

S 824

Aviation Investment and Revitalization Vision Act

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

Introduced: Apr 8, 2003

Current Status: See also H.R. 2115.

Latest Action: See also H.R. 2115. (Jun 12, 2003)

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Sponsor

Name: Sen. McCain, John [R-AZ]

Party: Republican • State: AZ • Chamber: Senate

Cosponsors (3 total)

| Cosponsor | Party / State | Role | Date Joined |
|--------------------------------------|---------------|------|-------------|
| Sen. Hollings, Ernest F. [D-SC] | D · SC | | Apr 8, 2003 |
| Sen. Lott, Trent [R-MS] | R · MS | | Apr 8, 2003 |
| Sen. Rockefeller, John D., IV [D-WV] | D · WV | | Apr 8, 2003 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---|---------|-------------|-------------|
| Commerce, Science, and Transportation Committee | Senate | Reported By | May 2, 2003 |

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

| Bill | Relationship | Last Action |
|-------------|------------------|--|
| 108 HR 2115 | Related document | Dec 12, 2003: Became Public Law No: 108-176. |

Aviation Investment and Revitalization Vision Act - **Title I: Reauthorizations; FAA Management** - (Sec. 101) Amends Federal transportation law to authorize appropriations out of the Airport and Airway Trust Fund for FY 2004 through 2006 for: (1) the Federal Aviation Administration (FAA), including the Airport Improvement Program (earmarking amounts for certain administrative-related expenses) and the Airway Facilities Improvement Program; (2) specified FAA aviation research and development (R&D) projects; and (3) other specified aviation programs.

(Sec. 102) Requires the Administrator of the FAA to report biannually to specified congressional committees on the ten largest air navigation facilities and equipment programs, including any changes in the budget for such programs, the program schedule, and technical risks associated with the programs.

(Sec. 103) Directs the Administrator of the FAA, in conjunction with the submission of the U.S. budget for FY 2004, to report to specified congressional committees on the overall air traffic controller staffing plan, including strategies to address anticipated retirement and replacement of air traffic controllers.

(Sec. 106) Directs the Secretary of Transportation (Secretary) to establish an Air Traffic Services Committee to: (1) review, approve, and monitor the strategic plan for the air traffic control system; (2) review and approve methods to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control, including procurements of air traffic control equipment; (3) review operational functions of the air traffic control system; (4) review and approve FAA management of the air traffic control system; and (5) review and approve the FAA's budget as it relates to the air traffic control system. Provides for the transition of members of the Air Traffic Services Subcommittee of the Management Advisory Council to the Air Traffic Services Committee.

Title II: Airport Development - (Sec. 201) Directs the Secretary to identify certain airports with delays that significantly affect the national air transportation system. Makes an airport that has been recommended for the construction or reconfiguration of runways, and that does not take action to initiate a planning and environmental assessment process for the construction or reconfiguration of such runways, ineligible for: (1) Federal airport improvement planning and expansion funds; and (2) approval of a passenger facility fee for a specified period of time.

Authorizes the Secretary, in response to a petition from an airport sponsor, or in the case of a congested airport covered by the FAA's Airport Capacity Benchmarks study, to designate an airport development project as a national capacity project if the Secretary determines that the designated project will significantly enhance the capacity of the national air transportation system.

Directs the Secretary to implement an expedited, coordinated environmental review process for national capacity projects. Authorizes the Secretary to make airport improvement grants to States and units of local government for land use compatibility plans for national capacity projects. Authorizes the Secretary to consider prescribing flight procedures to avoid or minimize potentially significant adverse noise impacts of a national capacity project that involves the construction of new runways or the reconfiguration of existing runways during the environmental planning process.

Directs the Secretary to initiate a five-year program for environmental review at national capacity projects. Authorizes the Secretary to hire additional environmental specialists and attorneys to process environmental impact statements in connection with airport construction projects and to serve as project coordinators and environmental impact team members with respect to national capacity projects.

(Sec. 202) Directs the Secretary to report to the Senate Committee on Commerce, Science, and Transportation on the

categorical exclusions currently recognized, and provide a list of proposed additional categorical exclusions, from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 for airport projects. Requires the Secretary to include in such list other projects the Secretary determines should be categorically excluded in order to ensure that Department of Transportation (DOT) environmental staff resources are not diverted to lower priority tasks, and are available to expedite the environmental reviews of airport capacity enhancement projects at congested airports.

(Sec. 203) Requires the Secretary: (1) within 30 days after identifying an airport capacity enhancement project at a congested airport, to publish a notice in the Federal Register requesting comments on whether reasonable alternatives to the project exist; and (2) within 90 days after the comment period ends, to determine whether reasonable alternatives do exist. Makes such a determination binding on all persons, including Federal and State agencies, acting under or applying Federal laws when considering the availability of alternatives to the project. Exempts from these requirements: (1) any alternatives analysis required under the National Environmental Policy Act of 1969; or (2) a project at an airport whose sponsor requests, in writing, that these requirements not apply.

(Sec. 204) Requires the Secretary to use at least 35 percent (currently, 34 percent) of amounts available to the discretionary fund for each fiscal year for certain grants for airport noise compatibility planning for a national capacity project, and for noise compatibility programs (as under current law). Requires the Secretary to use at least that amount for noise mitigation projects approved in an environmental record of decision for an airport development project that has been designated as a national capacity project.

(Sec. 205) Requires the Secretary to provide, and submit to specified congressional committees, a list of: (1) planned air traffic and airport-capacity projects at congested Airport Capacity Benchmark airports the completion of which will substantially relieve congestion at such airports; and (2) options for expanding capacity at eight such airports at which the most severe delays are occurring.

(Sec. 206) Sets forth requirements authorizing an airport sponsor to award a design-build contract (for both design and construction of a project by a contractor) for a national capacity project.

(Sec. 207) Declares that nothing in this title shall be construed to: (1) preclude the application of any provision of this Act to the State of Illinois or any other sponsor of a new airport proposed to be constructed in the State of Illinois; or (2) preempt the authority of the Governor of Illinois as of August 1, 2001, to approve or disapprove airport development projects.

(Sec. 209) Revises requirements for the passenger facility fee program. Establishes a pilot program to test alternative procedures for authorizing small airports to impose passenger facility fees.

(Sec. 210) Requires the Secretary to report quarterly to specified congressional committees on the status of construction of each major runway project undertaken at the largest 40 commercial airports in terms of annual enplanements.

(Sec. 211) Revises requirements with respect to airport noise disclosures. Requires Federal regulatory entities to prohibit certain lending institutions from making a loan secured by residential real estate or a mobile home located in the vicinity of an airport in which the operator has submitted a noise exposure map, unless the loan applicant's purchase agreement provides notice that the property is within the area of the noise contours on the noise exposure map.

(Sec. 212) Prohibits the Secretaries of Transportation or of Homeland Security from requiring airport sponsors to provide building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings to the FAA or the

Transportation Security Administration (TSA) without cost for services relating to air traffic control, air navigation, aviation security, or weather reporting.

(Sec. 213) Authorizes the Secretary to apportion airport improvement funds to certain airports with declining boardings for FY 2004 in the same amount apportioned to such airports for FY 2002. Increases the Government's share of allowable costs for a grant made in FY 2004 for an airport improvement project from 90 percent to not more than 95 percent.

(Sec. 214) Requires that an agreement between the Government and a qualified entity allowing the entity to operate an airport facility relieves the Government from any liability arising out of, or related to, acts or omissions of entity employees in operating such facility.

Authorizes appropriations for FY 2004 through 2006 for the air traffic control contract program. Increases the maximum Federal share of costs for the construction of an air traffic control tower from \$1.1 million to \$1.5 million.

(Sec. 215) Includes within the definition of "public agency" for purposes of the administration of airport improvement funds the Department of the Interior with respect to an airport owned by the Department that is required to be maintained for commercial aviation safety at a remote location.

(Sec. 216) Revises certain airport funding requirements to authorize a sponsor of a nonprimary airport in Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands to make an agreement with the Secretary waiving the sponsor's claim to any part of airport improvement funds apportioned for the airport if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as such airport. Authorizes the Secretary to decide that costs of revenue producing aeronautical support facilities (including fuel farms and hangars) are allowable costs for an airport development project at a nonprimary airport and for which the Government's share is paid only with airport improvement funds apportioned to the airport's sponsor if the Secretary determines that the airport's sponsor has made adequate provision for financing airside needs of the airport.

Authorizes the Secretary to make available to a sponsor of a nonprimary commercial service airport or reliever airport any part of airport improvement funds apportioned to the airport sponsor for the fiscal year for the cost of terminal development at the airport.

Increases from three percent to 3.5 percent the mandatory annual apportionment of airport improvement amounts to sponsors of cargo only airports.

Requires the Secretary, in selecting an airport improvement project for a discretionary grant, to preserve and enhance capacity, safety, and security at primary and reliever airports to consider, among other things, the ability of the project to foster U.S. competitiveness in securing global air cargo activity at a U.S. airport.

Title III: Airline Service Development - Subtitle A: Program Enhancements - (Sec. 301) Authorizes the Secretary to take certain steps regarding flight reductions at severely congested airports, including reduction of overscheduling during hours of peak operation and flight delays during hours of peak operation and of inclement weather.

(Sec. 302) Extends for three years the small community air service development pilot program.

(Sec. 303) Directs the Secretary to study and report to specified congressional committees on competition and airline access problems at large and medium hub airports. Prescribes competition disclosure requirements for such airports.

Subtitle B: Small Community and Rural Air Service Revitalization - (Sec. 351) Authorizes appropriations for FY 2004

through FY 2007 for the essential air service program.

(Sec. 352) Establishes a marketing incentive program to develop and implement through grants a marketing plan to enable essential air service communities to increase passenger boardings and the level of passenger usage of its airport facilities. Requires not less than 25 percent of the publicly financed costs associated with the marketing plan to come from non-Federal sources. Authorizes appropriations for FY 2004 through FY 2007.

(Sec. 353) Sets forth other pilot program requirements for improving service to communities receiving essential air service assistance. Authorizes the Secretary to increase the rates of compensation to essential air service providers that experience significantly increased costs (ten percent or more) for providing such service without regard to any agreements or requirements relating to the renegotiation of contracts.

Title IV: Aviation Security - (Sec. 401) Directs the Secretary of Homeland Security to study and report to specified congressional committees on the effectiveness of the aviation security system.

(Sec. 402) Establishes the Aviation Security Capital Fund to provide financial assistance to airport sponsors to defray capital investment in transportation security at airport facilities. Sets forth funding requirements for the Fund.

(Sec. 403) Excludes from the meaning of airport development, and makes ineligible for airport improvement funding, the replacement by an airport sponsor or operator of a public-use airport of baggage conveyor systems, and reconfiguration of terminal baggage areas, at such airports in order to install bulk explosive detection devices.

(Sec. 404) Amends the Aviation and Transportation Security Act to exempt armed forces charter flights from certain aviation security program requirements for charter air carriers with a maximum certificated takeoff weight of 12,500 pounds or more. Requires the Secretary of Defense to establish security procedures for armed forces charter flights.

Title V: Miscellaneous - (Sec. 501) Extends the Secretary's authority to issue war risk insurance through December 31, 2006.

(Sec. 502) Authorizes and makes permanent a program under which the Secretary makes grants of up to \$5 million to project sponsors to improve aviation safety and enhance mobility of the Nation's air transportation system by encouraging nonfederal investment in critical air traffic control facilities and equipment. Sets the Federal share of costs at 33 percent.

(Sec. 503) Directs the Administrator of the FAA to deny certification to any person: (1) who knowingly, and with intent to defraud, participates in an activity relating to counterfeit or fraudulently represented aviation parts or materials; or (2) whose certificate is revoked because such person was convicted of participating in such activity.

(Sec. 504) Makes certain revisions in the procurement duties of the Administrator of the FAA.

(Sec. 506) Increases both civil and administrative penalties for persons who violate certain aviation-related requirements.

(Sec. 507) Sets forth requirements regarding amounts subject to apportionment with respect to the provision of airport improvement funds.

Revises certain airport safety data collection requirements to authorize the Secretary to enter into a cooperative agreement with, or provide a grant from airport improvement funds to, a private company or entity for the collection of airport safety data. Sets the Federal share of cost for data collection at 100 percent.

States that the noise exposure map an airport operator may submit to the Secretary may describe estimated aircraft

operations during a forecast year that is at least five years in the future.

Prohibits collection of a passenger facility fee from a passenger enplaning at an airport if the passenger did not pay for the air transportation because of charter arrangements and payment by DOD.

(Sec. 508) Makes eligible for airport development project funds a sponsor or operator of a public-use airport that undertakes: (1) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport provided the airport is located in an air quality nonattainment or maintenance area (maintenance of the national primary ambient air quality standard for an air pollutant in a nonattainment area for at least ten years after the redesignation of such area for such air pollutant), and provided such project will result in an airport receiving appropriate emission credits; or (2) a project for the acquisition or conversion of airport-owned vehicles and ground support equipment to low-emission technology provided the airport is located in an air quality nonattainment or maintenance area, and such project will result in an airport receiving appropriate emission credits. Defines "low-emission technology" to mean technology: (1) for new vehicles and equipment whose emission performance is best achievable under standards established by the Environmental Protection Agency (EPA); and (2) that relies exclusively on alternative fuels that are substantially non-petroleum based (but not excluding hybrid systems).

Directs the Secretary and the Administrator of the EPA to agree jointly on how to assure that airport sponsors receive appropriate emission credits for carrying out air quality projects at certain airports. Sets forth certain agreement requirements.

Directs the Secretary to carry out a pilot program under which airport sponsors may use airport planning and development and noise compatibility planning and program funds to retrofit existing eligible airport ground support equipment that burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the EPA.

(Sec. 509) Revises the definition of "eligible airport-related project" financed through the imposition by the Secretary of a passenger facility fee to include a project for the acquisition or conversion of ground support equipment or airport-owned vehicles used at a commercial service airport with, or to, low-emission technology or cleaner burning conventional fuels, or the retrofitting of such equipment or vehicles powered by a diesel or gasoline engine with emission control technologies certified by the EPA to reduce emissions, provided the airport is located in an air quality nonattainment or maintenance area, and provided such project will result in an airport's receiving appropriate emission credits.

(Sec. 510) Directs the Secretary to enter into a memorandum of understanding (MOU) with the Secretaries of Defense, the Interior, and Homeland Security to facilitate the sale of aircraft fuel on Midway Island so that sales revenue can be used to operate Midway Island Airport in accordance with FAA airport standards.

(Sec. 511) Authorizes the Secretary to develop and carry out a program to expand and improve the safety, efficiency, and security of air traffic control services provided in the Gulf of Mexico, including aviation-related navigational, low altitude communications and surveillance, and weather services in the area. Authorizes appropriations.

(Sec. 512) Authorizes the Secretary to use certain funds to carry out and expand the Air Traffic Control Collegiate Training Initiative.

(Sec. 513) Declares that an exemption granted by the Secretary to an air carrier from requirements pertaining to the number of slots at Ronald Reagan Washington National Airport shall not increase the number of operations at such

airport in any one-hour period by more than three (currently, two) operations.

Increases from 12 to 24 the number of slot exemptions the Secretary may grant to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports, and exemptions from other specified requirements.

(Sec. 514) Directs the Administrator of the FAA to transmit to specified congressional committees an action plan: (1) to provide adequate oversight of repair stations and ensure that FAA-approved repair stations outside the United States are subject to the same level of oversight and quality control as those located in the United States; and (2) for addressing problems with the Air Transportation Oversight System.

(Sec. 515) Establishes in the DOT the position of National Small Community Air Service Ombudsman, who shall develop strategies for retaining and enhancing the air service provided to small U.S. communities.

(Sec. 516) Establishes the National Commission on Small Community Air Service, which shall study and report to Congress and the President on the challenges faced by small U.S. communities with respect to retaining and enhancing their scheduled commercial air service, including whether existing Federal programs charged with helping small communities are adequate for them to retain and enhance their existing air service.

(Sec. 517) Directs the Administrator of the FAA to establish standards for cabin crew training, consistent with the Homeland Security Act of 2002, and the issuance of certification.

(Sec. 518) Authorizes the Secretary to offer to provide war and terrorism insurance to aircraft manufacturers for loss or damage arising from the operation of an American or foreign-flag aircraft in excess of \$50 million in the aggregate or in excess of such other amounts of available primary insurance.

(Sec. 519) Authorizes the Secretary to establish a program for the installation, operation, and maintenance of ground-based precision navigational aids for terrain-challenged airports. Authorizes appropriations.

(Sec. 520) Authorizes the Secretary, in cooperation with the Secretaries of Energy and of Defense, to establish a program to improve the efficiency, cost-effectiveness, and environmental performance of standby power systems at FAA sites, including the implementation of fuel cell technology. Authorizes appropriations for FY 2004 through 2008.

Title VI: Second Century of Flight - Subtitle A: The Office Aerospace and Aviation Liaison - (Sec. 621) Establishes within DOT an Office of Aerospace and Aviation Liaison which shall coordinate aviation and aeronautics research programs within the Federal Government with U.S. aviation and aeronautical firms and the development and utilization of new technologies to ensure that, when available, they are used to their fullest potential in aircraft and in the air traffic control system. Directs the Secretary to report to specified congressional committees on the status of the establishment of the Office of Aerospace and Aviation Liaison. Authorizes appropriations for FY 2004 and 2005.

(Sec. 622) Establishes within the FAA a National Air Traffic Management System Development Office which shall develop a next generation air traffic management system plan for the United States. Authorizes appropriations for FY 2004 through 2010.

(Sec. 623) Directs the Office of Aerospace and Aviation Liaison to report to specified congressional committees about market developments and government policies influencing the competitiveness of the U.S. jet transport aircraft industry.

Subtitle B: Technical Programs - (Sec. 641) Directs the Administrators of the National Aeronautics and Space

Administration (NASA) and the FAA to establish a joint program of competitive, merit-based grants for eligible institutions of higher education to increase the number of students studying toward and completing technical training programs, certificate programs, and associate's, bachelor's, master's, or doctorate degrees in fields related to aerospace and aviation safety. Authorizes appropriations for FY 2004.

(Sec. 642) Requires the Administrators of NASA and the FAA to develop a joint student loan program for students enrolled in an undergraduate or postgraduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor. Authorizes appropriations for FY 2004.

Subtitle C: FAA Research, Engineering, and Development - (Sec. 661) Directs the Administrator of the FAA to continue the program to consider awards, through grants or cooperative agreements, to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and more durable airfield pavements.

(Sec. 662) Directs the Administrator of the FAA to review and determine whether FAA standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the FAA standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. Requires the Administrator of the FAA to make appropriate adjustments to FAA standards for airfield pavements if they are not in accordance with that 20-year-life requirement.

(Sec. 663) Directs the Administrator of the FAA to arrange with the National Research Council for an assessment of the FAA's proposed wake turbulence R&D program. Requires a report to specified congressional committees containing the results of the assessment. Authorizes appropriations for FY 2004.

(Sec. 664) Directs the FAA, in accordance with the recommendation of the National Academy of Sciences in its report entitled "The Airliner Cabin Environment and the Health of Passengers and Crew", to establish a research program to address questions about improving cabin air quality of aircraft, including methods to limit airborne diseases.

(Sec. 665) Revises aviation safety policy to require the Administrator of the FAA to consider exercising leadership with the FAA's foreign counterparts in the International Civil Aviation Organization and its subsidiary organizations, and other international organizations and fora, and with the private sector to promote and achieve global improvements in the safety, efficiency, and environmental effect of air travel.

(Sec. 666) Directs the Administrator of the FAA to review and report to specified congressional committees on aviation and aeronautical safety, and research funding and technological actions in other countries, and how such activities might be utilized in the United States.

(Sec. 667) Directs the FAA to conduct research to promote the development of analytical tools to improve existing certification methods and to reduce the overall costs for the certification of new products.

(Sec. 668) Authorizes the Administrator of the FAA to conduct a limited pilot program to provide operating incentives to users of the airspace for the deployment of new technologies, including technologies to facilitate expedited flight routing and sequencing of takeoffs and landings. Authorizes appropriations for FY 2004.

(Sec. 669) Directs the Administrator of the FAA to develop a Center for Excellence focused on applied research and training on the durability and maintainability of advanced materials in transport airframe structures, including the use of polymeric composites in large transport aircraft. Authorizes appropriations for FY 2004.

(Sec. 670) Authorizes the Administrator of the FAA to issue design organization certificates to design organizations that meet certain safety standards for the design and manufacture of aircraft, aircraft engines, propellers, and appliances.

Directs the Administration of the FAA to submit to specified congressional committees a plan for the development and oversight of a system for certification of design organizations that ensures that the system meets the highest standards of safety. Authorizes the Administrator of the FAA to commence issuance of design organization certificates to authorize design organizations to certify compliance with certain minimum safety standards for the type certification of aircraft, aircraft engines, propellers, or appliances.

Authorizes the Administrator of the FAA to issue a type certificate for an aircraft, aircraft engine, or propeller, or for an appliance based on a certification of compliance made by a certificated design organization.

Prohibits a person from violating a term of a design organization certificate.

(Sec. 671) Directs the Administrator of the FAA to study and report to specified congressional committees on ways to reduce aircraft noise and emissions and to increase aircraft fuel efficiency. Authorizes appropriations for FY 2004.

Actions Timeline

- **Jun 12, 2003:** Measure laid before Senate by unanimous consent. (consideration: CR S7757-7820; text of measure as reported in Senate: CR S7757-7764)
- **Jun 12, 2003:** Senate incorporated this measure in H.R. 2115 as an amendment.
- **Jun 12, 2003:** Senate passed companion measure H.R. 2115 in lieu of this measure by Yea-Nay. 94 - 0. Record Vote Number: 225.
- **Jun 12, 2003:** Returned to the Calendar. Calendar No. 83. (consideration: CR S7813)
- **Jun 12, 2003:** See also H.R. 2115.
- **May 2, 2003:** Committee on Commerce, Science, and Transportation. Reported by Senator McCain under authority of the order of the Senate of 5/01/2003 with an amendment in the nature of a substitute. With written report No. 108-41.
- **May 2, 2003:** Committee on Commerce, Science, and Transportation. Reported by Senator McCain under authority of the order of the Senate of 5/01/2003 with an amendment in the nature of a substitute. With written report No. 108-41.
- **May 2, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 83.
- **May 1, 2003:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 8, 2003:** Introduced in Senate
- **Apr 8, 2003:** Read twice and referred to the Committee on Commerce, Science, and Transportation.