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Union Calendar No. 287

94th Congress, 1st Session

House Report No. 94-594

AIRPORT AND AIRWAY DEVELOPMENT
ACT AMENDMENTS OF 1975

REPORT

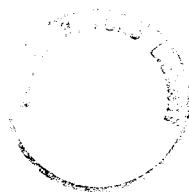
TOGETHER WITH
ADDITIONAL AND SUPPLEMENTAL VIEWS

OF THE
COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION
HOUSE OF REPRESENTATIVES

TO ACCOMPANY

H.R. 9771

A BILL TO AMEND THE AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970



OCTOBER 29, 1975.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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{ REPORT
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AIRPORT AND AIRWAY DEVELOPMENT ACT AMENDMENTS OF 1975

OCTOBER 29, 1975.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

Mr. JONES of Alabama, from the Committee on Public Works and
Transportation, submitted the following

REPORT

together with

ADDITIONAL AND SUPPLEMENTAL VIEWS

[To accompany H.R. 9771]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 9771) to amend the Airport and Airway Development Act of 1970, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Airport and Airway Development Act Amendments of 1975"

DECLARATION OF POLICY

SEC. 2. Section 2 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1701) is amended by striking out "June 30, 1980," the first place it appears and inserting in lieu thereof "September 30, 1980," and by striking out everything after "\$250,000,000."

(1)

DEFINITIONS

SEC. 3. (a) Section 11 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended as follows:

(1) Paragraph (2) is amended by—

(A) striking out “and (B)” and inserting in lieu thereof “and including snow removal equipment, and including the purchase of noise suppressing equipment, the construction of physical barriers, and landscaping for the purpose of diminishing the effect of aircraft noise on any area adjacent to a public airport, (B)”;

(B) striking out the period at the end thereof and inserting in lieu thereof “, and (C) any acquisition of land or of any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport.”

(2) Paragraph (4) is amended by adding after “feasibility studies,” the following: “including the potential use and development of land surrounding an actual or potential airport site.”

(3) Before paragraph (1), add the following new paragraph:

“(1) ‘Air carrier airport’ means an existing public airport regularly served, or a new public airport which the Secretary determines will be regularly served by an air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (other than a supplemental air carrier).”

(4) After paragraph (5), add the following new paragraphs:

“(6) ‘Commuter service airport’ means a general aviation airport which is served by one or more air carriers operating under exemption granted by the Civil Aeronautics Board from section 401(a) of the Federal Aviation Act of 1958 at which not less than one thousand five hundred passengers were enplaned in the aggregate by all such air carriers from such airport during the preceding calendar year.

“(7) ‘General aviation airport’ means a public airport which is not an air carrier airport.”

(5) After paragraph (12), add the following new paragraph.

“(13) ‘Reliever airport’ means a general aviation airport designated by the Secretary as having the primary function of relieving congestion at an air carrier airport by diverting from such airport general aviation traffic.”

(b) Section 11 of the Airport and Airway Development Act of 1970 is amended by renumbering the paragraphs of such section as paragraphs (1) through (21), respectively, and renumbering all references to such paragraphs accordingly.

REVISED NATIONAL AIRPORT SYSTEM PLAN

SEC. 4. Section 12 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712) is amended by adding at the end thereof the following new subsection:

“(1) REVISED SYSTEM PLAN AND REPORT.—

“(1) No later than January 1, 1977, the Secretary shall consult with each State and airport sponsor, and, in accordance with this section, prepare and publish a revised national airport system plan for the development of public airports in the United States. Estimated costs, contained in such revised plan shall be sufficiently accurate so as to be capable of being used for future year apportionments. In addition to the information required by subsection (a), the revised plan shall include—

“(A) an identification of the levels of public service and the uses made of each public airport in the plan, and the projected airport development which the Secretary deems necessary to fulfill the levels of service and use of such airports during the succeeding ten-year period; and

“(B) a listing of the amount of funds expended in each of the fiscal years 1971 through 1975 for terminal area development at each air carrier, commuter, and reliever airport showing separately the amounts expended for nonrevenue producing public use areas of the types specified in section 20(b)(1) of this title, and for other areas.

“(2) There is authorized to be appropriated out of the Airport and Airway Trust Fund not to exceed \$2,000,000 to carry out this subsection.”

PLANNING GRANTS

SEC. 5. Section 13(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1713) is amended as follows:

(1) The side heading is amended by striking out “APPORTIONMENT” and inserting in lieu thereof “LIMITATION”.

(2) Paragraph (1) is amended by—

(A) striking out “\$75,000,000 and” and inserting in lieu thereof “\$153,750,000.”;

(B) striking out the period and inserting in lieu thereof “, and the amount obligated during the period July 1, 1976, through September 30, 1976, may not exceed \$3,750,000.”

(3) Paragraph (2) is amended by striking out “two-thirds” and inserting in lieu thereof “75 per centum”.

(4) Paragraph (3) is amended by striking out “7.5” and inserting in lieu thereof “10”.

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

SEC. 6. Section 14(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended by adding at the end thereof the following new paragraphs:

“(3) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands air carrier airports, \$385,000,000 for fiscal year 1976, \$96,250,000 for the period July 1, 1976, through September 30, 1976, \$405,000,000 for fiscal year 1977, \$425,000,000 for fiscal year 1978, \$445,000,000 for fiscal year 1979, and \$465,000,000 for fiscal year 1980.

“(4) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands general aviation airports, \$65,000,000 for fiscal year 1976, \$16,250,000 for the period July 1, 1976, through September 30, 1976, \$70,000,000 for fiscal year 1977, \$75,000,000 for fiscal year 1978, \$80,000,000 for fiscal year 1979, and \$85,000,000 for fiscal year 1980.”

(b) (1) Section 14(b) of such Act is amended—

(A) by inserting “(1)” immediately before the first sentence; and

(B) in the second, third, and fourth sentence, by striking out “subsection” and inserting in lieu thereof “paragraph”.

(2) Section 14(b) of such Act is further amended by adding at the end thereof the following new paragraph:

“(2) The Secretary is authorized to incur obligations to make grants for airport development from funds made available under paragraphs (3) and (4) subsection (a) of this section, and such authority shall exist with respect to funds available for the making of grants for any fiscal year or part thereof pursuant to subsection (a) immediately after such funds are apportioned pursuant to section 15(a) of this title. No obligation shall be incurred under this paragraph after September 30, 1980. The Secretary shall not incur more than one obligation under this paragraph with respect to any single project for airport development.”

(c) Section 14(c) of such Act is amended by striking out “1975.” and inserting in lieu thereof “1978, not less than \$62,500,000 for the period July 1, 1976, through September 30, 1976, and not less than \$275,000,000 for each of the fiscal years 1979 and 1980.”

(d) Section 14(e) of such Act is redesignated as section 14(f) and the following is inserted in section 14 as a new subsection (e):

“(e) OTHER EXPENSES.—The balance of the moneys available in the Airport and Airway Trust Fund may be appropriated for (1) the necessary administrative expenses of the Secretary incident to the administration of programs for which funds are authorized in subsections (a), (b), (c), and (d) of this section, (2) costs of services provided under international agreements relating to the joint financing of air navigation services which are assessed against the United States Government, and (3) the direct costs and administrative expenses of the Secretary incident to servicing airway facilities referred to in sub-

section (c) of this section, excluding the cost of engineering support and planning, direction, and evaluation activities. The amounts appropriated from the Airport and Airway Trust Fund for the purposes of clauses (2) and (3) may not exceed \$50,000,000 for fiscal year 1976, \$12,500,000 for the period July 1, 1976, through September 30, 1976, \$75,000,000 for fiscal year 1977, \$100,000,000 for fiscal year 1978, \$125,000,000 for fiscal year 1979, and \$150,000,000 for fiscal year 1980."

(e) Paragraph (1) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsections (c) and (d) of this section, as amended" and by inserting in lieu thereof "this section".

(f) Paragraph (2) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsections (a) and (c)" and inserting in lieu thereof "subsections (a), (c), (d) and the second sentence of subsection (e)".

(g) Paragraph (3) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsection (d)." and inserting "subsection (e).".

DISTRIBUTION OF FUNDS

Sec. 7. (a) Section 15(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1715) is amended by renumbering paragraphs (3) and (4) as (5) and (6), respectively, and by inserting immediately following paragraph (2) the following new paragraphs:

"(3) As soon as possible after July 1, 1975, and on or before July 1, 1976 (for the interim period), and on or before the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part, the amount made available for that period or year shall be apportioned by the Secretary as follows:

"(A) To each sponsor of an air carrier airport served by air carrier aircraft heavier than twelve thousand five hundred pounds maximum certificated gross takeoff weight as follows:

"(i) \$6.00 for each of the first fifty thousand passengers enplaned at that airport.

"(ii) \$4.00 for each of the next fifty thousand passengers enplaned at that airport.

"(iii) \$2.00 for each of the next four hundred thousand passengers enplaned at that airport.

"(iv) \$0.50 for each passenger enplaned at that airport over five hundred thousand.

No air carrier airport shall receive less than \$150,000 or more than \$10,000,000 for any fiscal year, or less than \$37,500 or more than \$2,500,000 for the period July 1, 1976, through September 30, 1976, under this subparagraph (A). In no event shall the total amount of all apportionments under this subparagraph (A) for any fiscal year or period exceed two-thirds of the amount authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part for such fiscal year or period. In any case in which an apportionment would be reduced by the preceding sentence, the Secretary shall for such fiscal year or period reduce the apportionment to each sponsor of an air carrier airport proportionately so that such two-thirds amount is achieved.

"(B) Any such amount not apportioned under subparagraph (A) shall be distributed at the discretion of the Secretary.

"(4) As soon as possible after July 1, 1975, and on or before July 1, 1976 (for the interim period), and on or before the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (4) of section 14(a) of this part, the amount made available for that period or year minus in the case of that period \$6,250,000, and minus in the case of that year \$25,000,000, shall be apportioned by the Secretary as follows:

"(A) 75 per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

"(B) 1 per centum for the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands to be distributed at the discretion of the Secretary.

"(C) 24 per centum to be distributed at the discretion of the Secretary to general aviation airports.
\$6,250,000 of the amount made available for that period or \$25,000,000 of the amount made available for that year, as the case may be, shall be distributed at the discretion of the Secretary to commuter service airports and to reliever airports."

(b) Paragraph (5) of such section 15(a) (as renumbered by this section) is amended by inserting after "(2) (A)" the following "or (4) (A)", and by inserting after "(1) (B)" the following "or (3) (A)".

(c) Section 15(b) (2) of the Airport and Airway Development Act of 1970 is amended by striking out "(3)" and inserting in lieu thereof "(5)".

(d) The first sentence of subsections (c) of section 15 of the Airport and Airway Development Act of 1970 is amended to read as follows: "The Secretary shall inform each sponsor and the Governor of each State, or the chief executive officer of the equivalent jurisdiction, as the case may be, on or before April 1 of each year of the amount of the apportionment to be made on or before October 1 of that year."

PROJECT APPROVAL

Sec. 8. (a) The first sentence of subsection (a) of section 16 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716) is amended by inserting after "project application" the following "for one or more projects". The second sentence of subsection (a) of section 16 of the Airport and Airway Development Act of 1970 is amended by striking out "No" and inserting in lieu thereof "Until July 1, 1975, no". Such section 16(a) is further amended by adding at the end thereof the following new sentences: "After June 30, 1975, no project application shall propose airport development except in connection with the following airports included in the current revision of the national airport system plan formulated by the Secretary under section 12 of this Act: (1) air carrier airports, (2) commuter service airports, (3) reliever airports, and (4) general aviation airports (A) which are regularly served by aircraft transporting United States mail, or (B) which are regularly used by aircraft of a unit of the Air National Guard or of a Reserve component of the Armed Forces of the United States, or (C) which are regularly used by aircraft engaged in significant business operations, or (D) which are of significant importance to the economic development of a State or region, or (E) which the Secretary determines meet the needs of civil aeronautics. Except as provided in subsection (g), all such proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches."

(b) Section 16 of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new subsection:

"(g) STATE STANDARDS.—

"(1) The Secretary is authorized to make grants to any State, upon application therefor, for not to exceed 75 per centum of the cost of developing standards for airport development at general aviation airports in such State, other than standards for safety of approaches. The aggregate of all grants made to any State under this paragraph shall not exceed \$25,000.

"(2) The Secretary is authorized to approve standards established by a State for airport development at general aviation airports in such State, other than standards for safety of approaches, and upon such approval such State standards shall be the standards applicable to such general aviation airports in lieu of any comparable standard established under subsection (a) of this section. State standards approved under this subsection may be revised, from time to time, as the State or the Secretary determines necessary, subject to approval of such revisions by the Secretary.

"(3) There is authorized to be appropriated out of the Airport and Airway Trust Fund not to exceed \$1,275,000 to carry out this subsection."

(c) Section 12(a) of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new sentence: "After June 30, 1975, the Secretary shall not include in the national airport system plan any airport which is not eligible for airport development grants under the last two

sentences of section 16(a) of this title, except that nothing in this sentence shall require the Secretary to remove from the national airport system plan any airport in such plan on June 30, 1975."

FEDERAL SHARE

SEC. 9. (a) Section 17(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) is amended by striking out everything after "section 16" and inserting in lieu thereof the following:

"of this part—

"(1) may not exceed 50 per centum of the allowable project costs in the case of grants made from funds for fiscal years 1971, 1972, and 1973, and may not exceed 50 per centum for sponsors whose airports enplane not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board, and may not exceed 75 per centum for sponsors whose airports enplane less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board and for sponsors of general aviation or reliever airports, in the case of grants made from funds for fiscal years 1974 and 1975; and

"(2) shall be 75 per centum, in the case of grants made from funds for fiscal year 1976, the interim period, and subsequent fiscal years."

(b) Section 17(c) is amended by striking out "The" and inserting in lieu thereof "For fiscal years 1971 through 1975, the".

(c) Section 17(d) of such Act is amended by striking out everything after "share" and inserting in lieu thereof "(A) shall be not to exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into before July 1, 1975, (B) shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after July 1, 1975, and before October 1, 1977, and (C) shall be 75 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after October 1, 1977."

(d) Section 17(e) of such Act is amended—

(1) in the first paragraph thereof, by striking out everything after "share" and inserting in lieu thereof "(A) may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971, and before July 1, 1975, (B) shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after July 1, 1975, and before October 1, 1977, and (C) shall be 75 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after October 1, 1977."; and

(2) in the second paragraph thereof, by striking out everything after "share" and inserting in lieu thereof "(A) may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971, and before July 1, 1975, (B) shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after July 1, 1975, and before October 1, 1977, and (C) shall be 75 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after October 1, 1977."

PROJECT SPONSORSHIP

SEC. 10. (a) Section 18 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1718) is amended by inserting "(a) SPONSORSHIP.—" immediately before "As a condition precedent", by striking out "section." at the end of such section and inserting in lieu thereof "subsection.", and by adding at the end thereof the following new subsection:

"(b) CONSULTATION.—In making decisions to undertake projects under this title, sponsors shall consult with air carriers and fixed-base operators using the airport at which such airport development projects are proposed."

(b) Paragraph (8) of subsection (a) of section 18 of the Airport and Airway Development Act of 1970 (as redesignated by subsection (a) of this section) is amended by striking out the semicolon and inserting in lieu thereof the following: ", except that (A) no part of the Federal share of an airport development project for which a grant is made under this title or under the Federal Airport Act (49 U.S.C. 1101 et seq.) shall be included in the rate base in establishing fees, rates, and charges for users of that airport, and (B) each civil aeronautics enterprise using such airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other civil aeronautics enterprises which make the same or similar uses of such airport utilizing the same or similar facilities;".

MULTIYEAR PROJECTS

SEC. 11. Section 19 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1719) is amended by inserting immediately after the third sentence the following new sentence: "In any case where the Secretary approves an application for a project which will not be completed in one fiscal year, the offer shall, upon request of the sponsor, provide for the obligation of funds apportioned or to be apportioned to the sponsor pursuant to section 15(a)(3)(A) of this title for such fiscal years (including future fiscal years) as may be necessary to pay the United States share of the cost of such project."

TERMINAL DEVELOPMENT PROJECT COSTS

SEC. 12. (a) Section 20 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720) is amended by redesignating subsection (b) as subsection (c) and inserting immediately after subsection (a) the following new subsection:

"(b) TERMINAL DEVELOPMENT.—

"(1) Notwithstanding any other provision of this title, upon certification by the sponsor of any air carrier airport that such airport has, on the date of submittal of the project application, all the safety and security equipment required for certification of such airport under section 612 of the Federal Aviation Act of 1958, the Secretary may approve as allowable project for airport development at such airport, terminal development in the following nonrevenue producing public use areas:

"(A) Baggage claim delivery areas and automated baggage handling equipment.

"(B) Corridors connecting boarding areas and vehicles for the movement of passengers between terminal buildings or between terminal buildings and aircraft.

"(C) Central waiting rooms, restrooms, and holding areas.

"(D) Foyers and entryways.

"(2) Only sums apportioned under section 15(a)(3)(A) to the sponsor of an air carrier airport shall be obligated for project costs allowable under paragraph (1) of this subsection in connection with airport development at such airport, and no more than 30 per centum of such sums apportioned for any fiscal year shall be obligated for such costs.

"(3) If the sponsor of an air carrier airport at which terminal development was carried out on or after July 1, 1970, and before the date of enactment of this paragraph, submits the certification required under paragraph (1) of this subsection, sums apportioned under section 15(a)(3)(A) to the sponsor of such airport shall only be available, subject to the limitations contained in paragraph (2) of this subsection, for the immediate retirement of the principal of bonds or other evidences of indebtedness the proceeds of which were used for that part of the terminal development the cost of which is allowable under subsection (1) of this subsection.

"(4) Notwithstanding section 17, the United States share of project costs allowable under paragraph (1) of this subsection shall be 50 per centum.

"(5) The Secretary shall approve project costs allowable under paragraph (1) of this subsection under such terms and conditions as may be necessary to protect the interests of the United States."

(b) Subsection (c) of such section 20 (as relettered by this section) is amended by striking out "The" and inserting in lieu thereof the following: "Except as provided in subsection (b) of this section, the".

STATE DEMONSTRATION PROGRAMS

Sec. 13. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) is amended by inserting immediately after section 27 the following new section:

"SEC. 28. STATE DEMONSTRATION PROGRAMS.

"(a) **DEMONSTRATION PROGRAMS.**—If the Secretary determines that a State is capable of managing a demonstration program for general aviation airports in that State, he is authorized to grant to such State funds apportioned to it under section 15(a)(4)(A) and any part of the discretionary funds available under section 15(a)(4)(C). Such a grant shall be made on the condition that such State will grant such funds to airport sponsors in the same manner and subject to the same conditions as would grants made to such sponsors by the Secretary under this title.

"(b) **RESTRICTIONS.**—The Secretary shall not, pursuant to this section—

"(1) make grants to more than eleven States;

"(2) initiate any demonstration program after January 1, 1977; and

"(3) make a grant to any State after September 30, 1978.

"(c) **REPORT.**—The Secretary shall report to Congress the results of demonstration programs under this section not later than March 31, 1978."

AIR CARRIER AIRPORT DESIGNATION AND FUTURE OBLIGATION REDUCTION

Sec. 14. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) is amended by inserting immediately after section 28 (as added by the preceding section of this Act) the following new sections:

"SEC. 29. AIR CARRIER AIRPORT DESIGNATION.

"Notwithstanding any other provision of this title, in the case of any airport at which (A) an air carrier is certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) to serve a city served through such airport, and (B) service to such city by all such certificated air carriers has been suspended as authorized by the Civil Aeronautics Board, and (C) such airport is served by an intrastate air carrier operating in intrastate air transportation within the meaning of sections 101(22) and 101(23) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), such airport shall be deemed to be an air carrier airport for the purposes of this title.

"SEC. 30. RESTRICTION ON FUTURE OBLIGATIONS.

"Notwithstanding any other provision of this title, no part of any of the funds authorized, or authorized to be obligated, for the fiscal years 1979 and 1980 shall be obligated or otherwise expended except in accordance with a statute enacted after the date of enactment of this section."

PURCHASE REPORTS

Sec. 15. Section 303(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by striking out "Interstate and Foreign Commerce" and inserting in lieu thereof "Public Works and Transportation".

AIRPORT STUDY

Sec. 16. The Secretary of Transportation shall conduct a study of airports in areas where land requirements, local taxes, or a low revenue return per acre may close such airports. This study, the results of which shall be reported to Congress by January 1, 1977, shall include the identification of those locations which may be converted to non-aviation uses and recommendations concerning methods for preserving those airports which in the Secretary's judgment should be preserved in the public interest.

CIVIL AVIATION INFORMATION DISTRIBUTION PROGRAM

Sec. 17. In furtherance of his mandate to promote civil aviation, the Secretary of Transportation acting through the Administrator of the Federal Aviation Administration shall take such action as he may deem necessary, within available resources, to establish a civil aviation information distribution program within each region of the Federal Aviation Administration. Such program shall

be designed so as to provide State and local school administrators, college and university officials, and officers of civic and other interested organizations, upon request, with informational materials and expertise on various aspects of civil aviation.

PROHIBITION OF FLIGHT SERVICE STATION CLOSURES

Sec. 18. The Secretary of Transportation shall not close or operate by remote control any existing flight service station operated by the Federal Aviation Administration, except (A) for part-time operation by remote control during low-activity periods, and (B) in not more than one air route traffic control center area, at the discretion of the Secretary, not more than five flight service stations may be closed or operated by remote control from such air traffic control center for the purpose of demonstrating the quality and effectiveness of service at a consolidated flight service station facility. Nothing in this section shall preclude the physical separation of a combined flight service station and tower facility or the relocation of an existing flight service station at another site within the same flight service area if such flight service station continues to provide the same service to airmen without interruption.

DEMONSTRATION PROJECT

Sec. 19. (a) The Secretary of Transportation is authorized to undertake a demonstration project related to ground transportation services to the Oakland International Airport, California, which he determines (1) will assist the improvement of the Nation's airport and airway system by improving access to such airport, and (2) will be consistent with the objectives of section 6 of the Urban Mass Transportation Act of 1964. The Secretary may undertake such project independently or by grant or contract (including working agreements with other Federal departments and agencies).

(b) The Federal share of any project under this section shall not exceed 80 per centum of the cost of such project.

(c) There is authorized to be appropriated not to exceed \$72,000,000 to carry out this section.

LOGAN INTERNATIONAL AIRPORT

Sec. 20. (a) No airport layout plan or airport development project for Logan International Airport at Boston, Massachusetts, may be approved by the Secretary of Transportation under the Airport and Airway Development Act of 1970, on or before September 30, 1978, unless the Governor of the Commonwealth of Massachusetts has certified that such layout plan or development project is reasonably consistent with local, regional, and statewide planning for the area surrounding such airport.

(b) This section shall take effect as of January 1, 1975.

NEW AIRPORT DEVELOPMENT FOR THE GREATER ST. LOUIS, MISSOURI, AREA

Sec. 21. (a) No airport layout plan or airport development project for any new air carrier airport to serve the greater St. Louis, Missouri, area may be approved by the Secretary of Transportation under the Airport and Airway Development Act of 1970, on or before September 30, 1978, unless the Governors of the States of Illinois and Missouri have certified that such layout plan or development project is reasonably consistent with local, regional, and statewide planning for the area surrounding such airport.

(b) The terms used in this section which are defined in the Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) shall have the same meaning as such terms have in such Act.

COMPENSATION FOR REQUIRED SECURITY MEASURES IN FOREIGN AIR TRANSPORTATION

Sec. 22. (a) The Secretary of Transportation shall compensate any air carrier certificated by the Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) which requests such compensation for that portion of the amount expended by such air carrier for security screening facilities and procedures as required by section 315(a) of such Act (49 U.S.C. 1356(a)), and any regulation issued pursuant thereto, which is attributable to the screening of passengers moving in foreign air transportation. An air carrier shall have any

compensation authorized to be paid it under this section reduced by the amount (if any) by which the revenue of such carrier which is attributable to the cost of security screening facilities and procedures used in intrastate, interstate, and overseas air transportation exceeds the actual cost to such carrier of such facilities. The Secretary may issue such regulations as he deems necessary to carry out the purpose of this section.

(b) The terms used in this section which are defined in the Federal Aviation Act of 1958 shall have the same meaning as such terms have in such Act.

(c) There is authorized to be appropriated out of the Airport and Airway Trust Fund to carry out this section not to exceed \$3,000,000 for fiscal year 1976, \$750,000 for the period July 1, 1976, through September 30, 1976, and \$3,000,000 per fiscal year for the fiscal years 1977 and 1978.

TITLE II—RESEARCH DEVELOPMENT AND DEMONSTRATION ACTIVITIES

AUTHORIZATION

SEC. 201. Subsection (d) of section 14 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended to read as follows:

“(d) RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS.—The Secretary is authorized to carry out under section 312(c) of the Federal Aviation Act of 1958 such demonstration projects as he determines necessary in connection with research and development activities under such section 312(c). For research, development, and demonstration projects and activities under such section 312(c), there is authorized to be appropriated from the trust fund the amount of \$85,400,000 for the fiscal year 1976 and the amount of \$23,950,000 for the interim period beginning July 1, 1976, and ending September 30, 1976, to remain available until expended. The initial \$50,000,000 of any sums appropriated to the trust fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research, development, and demonstration activities.”

BACKGROUND

Aviation today is an integral part of our economy and national life. It connects small communities with urban centers and it serves both rural America and the cities of this nation in similar, yet distinct and unique ways. Aviation not only makes every area quickly and readily accessible, it also serves our country in other capacities: by getting the businessman to his plant for a meeting and a decision, by saving lives through medical evacuations, by fighting fires in remote areas, by helping the farmer seed and fertilize his crops, by allowing vacationers to make the most of every moment, and by a myriad of other ways.

Yet, the growth of this dynamic industry has not been matched by adequate facilities. With the enactment of the Airport and Airway Development Act of 1970 (PL 91-258), the nation took a giant step toward achieving an efficient and safe airport and airways system. Reflecting the role of aviation in the economy and the public benefit derived from safe and efficient operation, that landmark measure (1) found the airport and airway system inadequate to meet the requirements of the then current and projected growth in aviation, (2) declared substantial expansion and improvement was required to meet the demands of interstate commerce, the postal service and national defense, and (3) established an expanded program of federal matching grants to sponsors of airports serving commercial and general aviation. Moreover, the Act established a system of user taxes paid into a trust fund to provide an assured, long-term, source of funding.

The Act was amended in 1971 (PL 92-174) to incorporate provisions involving the use, preservation and priority for expenditure of funds from the trust fund.

The Airport Development Acceleration Act of 1973 (PL 93-44) made further amendments to the 1970 Act, increasing annual authorizations for fiscal years 1974 and 1975 from \$250 million per year to \$275 million per year for air carrier airports, and from \$30 million to \$35 million a year for general aviation airports. The 50 per cent federal contribution provided by the original act was raised to 75 per cent, except for large hub airports for which Federal matching remained at 50 per cent. Title XI of the Federal Aviation Act of 1958 was amended to prohibit levying or collecting a tax, fee, head charge or other charge on persons traveling in air commerce.

Extensive hearings by the Subcommittee on Aviation have demonstrated that the 1970 Act, as amended, was a sound measure which has, in the main, worked well. The sum of \$1.3 billion obligated for fiscal years 1971 through 1975, supported 2,434 projects at 1,225 airports. Eighty-five new airports were built, including three air carrier airports and three reliever airports. Hundreds of other airports have been upgraded through construction of 178 new runways; improvement and extension of runways, taxiways and aprons; and installation and improvement of airfield lighting and approach aids.

DIMENSIONS OF THE SYSTEM

Civil aviation performs a vital role in terms of its contribution to the national economy and the amenities of American life. Increases in commercial carrier passenger volume and miles flown by general aviation are significant measures. The benefits of air travel are by no means limited to individuals traveling; they include business transactions facilitated by air transportation, service in the production, manufacturing and marketing of goods, payrolls in industry sectors ranging from aircraft manufacture to airline operations, and economic impact of airport development.

It has been estimated that in 1974, service by air carriers certificated by the Civil Aeronautics Board reached one-fourth of all adult Americans at least once. In fiscal year 1975, such air carriers carried 201.9 million passengers approximately 159 billion revenue passenger miles. By fiscal year 1980, an estimated 273 million passengers will be carried 220 billion revenue passenger miles. These air carriers serve over 500 airports in the United States, and the growth of demand for such service is reflected in the following table compiled by the Federal Aviation Administration:

U.S. CERTIFICATED ROUTE AIR CARRIER SCHEDULED PASSENGER TRAFFIC

Fiscal year	Revenue passenger enplanements (millions)			Revenue passenger miles (billions)		
	Total	Domestic	International	Total	Domestic	International
1971	170.0	153.0	17.0	132.3	104.2	28.1
1972	182.9	164.5	13.4	144.2	112.3	32.0
1973	197.3	178.4	19.0	157.9	122.6	35.4
1974	208.1	189.5	18.6	165.0	130.0	35.0
1975	201.9	184.9	17.0	159.0	127.7	31.3
1976 ¹	217.1	200.1	17.0	170.5	139.3	31.2
1976 ²	57.2	52.8	4.4	45.4	36.0	8.5
1977 ²	235.0	214.9	18.1	184.9	150.4	34.5
1977 ¹	235.0	228.8	19.3	197.7	160.7	37.0
1978 ¹	248.1	240.9	20.7	210.2	170.1	40.1
1979 ¹	261.6	252.3	21.3	220.4	178.8	41.6
1980 ¹	290.3	268.0	22.3	234.7	190.8	43.9
1981 ¹	310.1	286.6	23.5	251.5	205.0	46.5

¹ Forecast.² This represents activity during the transition quarter, July 1, 1976, to Sept. 30, 1976.

Source: U.S. DOT/FAA, "Aviation Forecasts, Fiscal Years 1976-87", October 1975.

In addition to those airports served by certificated air carriers, there are many airports in small communities served by air carriers operating under exemption from the CAB. These air carriers operate aircraft capable of carrying up to 30 passengers and perform an important role in connecting small communities with large and other small communities. Without such carriers many communities would receive no scheduled air service. In this category air carriers at 156 such airports enplaned 1,500 passengers or more in 1974.

Another important class of airports is reliever airports, designated by the Secretary of Transportation to ease congestion generated by general aviation at air carrier airports by providing alternative services to accommodate general aviation. Some 150 existing airports have been so designated and are serving this purpose.

In addition to commuter service and reliever airports, there are over 2,000 active general aviation airports in the National Airport System Plan. Aircraft serving these airports are serving important purposes by making smaller communities accessible for industrial development, saving lives through medical evacuation, fighting forest fires, assisting agriculture through aerial application of seed and fertilizer and facilitating energy resource development. The growth of general aviation is reflected in the following table compiled by the Federal Aviation Administration.

ESTIMATED HOURS FLOWN IN GENERAL AVIATION BY TYPE OF AIRCRAFT

Fiscal year	[In millions]					
	Total	Fixed wing			Rotorcraft	Balloons, dirigibles, gliders
		Single-engine	Multiengine	Turbine		
1971	25.8	19.0	4.2	1.4	0.9	0.2
1972	26.4	19.4	4.3	1.5	1.0	.2
1973	28.5	20.8	4.7	1.7	1.1	.2
1974	30.6	22.3	5.0	2.0	1.1	.2
1975 ¹	32.2	23.3	5.3	2.2	1.2	.2
1976 ²	33.6	24.3	5.5	2.4	1.2	.2
1977 ²	8.7	6.2	1.4	.7	.3	.1
1977 ¹	34.6	24.8	5.7	2.6	1.3	.2
1978 ¹	37.0	26.5	6.1	2.9	1.3	.2
1979 ¹	39.0	27.8	6.5	3.1	1.4	.2
1980 ¹	41.5	29.5	6.9	3.4	1.5	.2
1981 ¹	43.5	30.7	7.3	3.7	1.6	.2
1982 ¹	45.3	31.9	7.6	3.9	1.7	.2

¹ Preliminary.² Forecast.³ Represents the transition quarter, July 1, 1976, through Sept. 30, 1976.

Note: Detail may not add to total due to independent rounding. It should be noted that historical data are estimates.

Source: U.S. DOT/FAA "Aviation Forecasts, Fiscal Years 1976-87", October 1975.

PRESENT PROBLEM AREAS

With the continued growth of air travel, the same considerations which prompted enactment of the 1970 Act warrant its extension and expansion. The development of a national system of airports and airways sufficient to meet our current and future needs remains a goal yet unmet. While maintaining the safety of aircraft and air travelers remains the top priority, congestion and delays remain problems which must continue to be addressed.

Although progress has been achieved under the 1970 Act, experience has demonstrated that expansion, refinement and redirection of the program are necessary in order to meet these and other problems that presently confront our aviation system.

The Act of 1970 was concerned primarily with the safe and efficient movement of aircraft. And while this remains a priority item, the inefficient movement of travellers and their baggage within the terminal area has resulted in congestion and delays. In order to gain the most benefit from existing facilities which are designed to move aircraft in a safe and efficient manner and to relieve congestion in the terminal area, the airport development program must be refined to reflect this need.

In addition, aircraft noise has resulted in curfews and other operational constraints which have restricted the use of existing facilities, and have caused problems relating to the safety of the system. Because of noise emanating from the operations at airports, full utilization and expansion of airports to accommodate current and future traffic have been hampered. This problem must be addressed.

There is increasing dissatisfaction with the National Airport System Plan (NASP), which has proven inadequate as a basis for determining the fiscal and physical needs of an airport *system* as distinguished from an aggregation of individual airports across the country. To properly plan for and to adequately fund a system of airports, accurate up-to-date information based on meaningful evaluation by the Secretary is needed.

Another problem stems from the airport sponsors' inability to adequately plan on the availability of Federal support for a development project. This has caused waste and inefficiency, and has delayed needed development. To gain the most benefit from limited local and Federal funds, sponsors must be assured of receiving proper funding over a period of years for those particular projects which are important to the system.

H.R. 9771, as reported, deals with these and other problems which have tended to constrain the development and efficient use of a national airport and airway system.

BILL HIGHLIGHTS

Highlights of H.R. 9771, as reported, are as follows:

Funding from the Airport and Airway Trust Fund

1. Authorizes \$2,612,500,000 through fiscal year 1980 to be divided between air carrier (\$2,221,250,000) and general aviation (\$391,250,000) airports for airport development;
2. Authorizes \$1,362,500,000 through fiscal year 1980 for the acquisition, establishment and improvement of air navigation facilities and \$512,500,000 for servicing such facilities;
3. Authorizes \$78,750,000 for the continuation of the planning grant programs through fiscal year 1980;
4. Authorizes \$85.4 million for fiscal year 1976 and \$23.95 million for the period of July 1, 1976 through September 30, 1976 for research and development activities related to safety in air navigation;

Apportionment of Funds

5. Changes the distribution formula for air carrier airports to increase the total percentage of funds going to smaller airports and to give air carrier airports sponsors a more definite idea of the amount of funds they can anticipate in future years for eligible projects;
6. Requires the Secretary to announce to sponsors, states and equivalent jurisdictions, at least 6 months prior to the beginning of a fiscal year, the amount of the apportionment to be made;
7. Creates a new class of airports ("commuter service airports") for the purpose of affording sponsors of such airport greater assurance of receiving funds. Such airports are served by air carriers operating under exemption granted by the CAB as opposed to air carriers operating under CAB-issued certificates of public convenience and necessity;

8. Transfers reliever airports from the air carrier to the general aviation apportionment for the purpose of affording such airports, together with commuter service airports, greater assurance of receiving needed funds;

9. Changes the general aviation airport apportionment formula to reflect the creation of commuter service airports and the transfer of reliever airports to the general aviation program;

National Airport System Plan (NASP)

10. Requires the Secretary to publish a revised NASP by January 1, 1977;

11. Gives the Secretary increased guidance in preparing the NASP by establishing more definite criteria for those airports which should receive funding;

12. Discards the provision under which all projects were required to be included in the then current revision of NASP in order to be eligible for funding;

Project Eligibility

13. Permits the purchase of land or interests therein for the purpose of insuring that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport;

14. Permits, for use within airport boundaries, purchase of noise suppression equipment, construction of physical barriers and landscaping to accomplish noise reduction;

15. Allows for development nonrevenue producing, public use areas of terminal areas at air carrier airports;

16. Permits the purchase of snow removal equipment;

Federal Share

17. Increases the Federal share of airport development project costs for large hub airport sponsors from 50% to 75%;

18. Increases the Federal share of planning grants from 66 $\frac{2}{3}$ % to 75%;

Multi-Year Projects

19. Authorizes the Secretary to commit enplanement formula funds due an air carrier airport sponsor for current and future fiscal years, thus assuring the sponsor that Federal funding for long-term projects would be available in future years;

State Role

20. Authorizes the Secretary to make grants not to exceed \$25,000 to each State (75% Federal share) for the development of design and construction standards (excluding standards for the safety of airports) for airport development at general aviation airports within that State. Approval by the Secretary of State standards is required;

21. Authorizes the Secretary to make grants to up to eleven States for the purpose of demonstrating the ability of such States to administer the general aviation airport development program at the State level.

Authorizations

The following chart indicates the annual and total authorizations in H.R. 9771, as reported.

Authorizations of Airport and Airway Development Act Amendments of 1975—H.R. 9771, as reported

[In millions of dollars]

Section of H.R. 9771	1976	July 1 to Sept. 30, 1976	1977	1978	1979	1980
Airport Development Aid Program (AD-AP) Air Carrier.....	385.0	96.25	405.0	425.0	445.0	465.0
General Aviation.....	65.0	16.25	70.0	75.0	80.0	85.0
Planning Grant Program.....	15.0	3.75	15.0	15.0	15.0	15.0
Facilities and Equipment.....	250.0	62.5	250.0	250.0	275.0	275.0
Servicing Airway Facilities.....	50.0	12.5	75.0	100.0	125.0	150.0
Research, Development, and Demonstration Activities.....	85.4	23.950				
Construction State Standards for General Aviation.....	1.275					
International Security Charges.....	3.0	0.750	3.0	3.0		
National Airport System Plan.....	2.0					
Total.....	856.675	215.950	818.0	868.0	940.0	990.0

NOTE.—The source of all funds authorized above is the Airport and Airway Trust Fund.

Total of categories authorized to be funded from Airport and Airway Trust Fund (actual amount)..... \$4,688,625,000
 In addition, sec. 19(c) authorizes to be appropriated not to exceed \$72,000,000 from the General fund to undertake a demonstration project related to ground transportation services to the Oakland International Airport, Calif. (actual amount)..... 72,000,000

Grand total of authorizations under H.R. 9771, as reported (actual amount)..... 4,760,625,000

FUNDING LEVELS, DISTRIBUTION AND FEDERAL SHARE

The Department of Transportation estimates that airport development needs, based upon information contained in the current National Airport System Plan (NASP), are approximately \$6.4 billion over the next five years. In information furnished to the Committee, the Secretary stated that this figure is "somewhat conservative since it understates terminal area development."

This \$6.4 billion estimate for system-wide needs can be contrasted with the results of a recent survey conducted jointly by the Airport Operators Council International (AOCI) and the American Association of Airport Executives (AAAE). That survey, covering only air carrier and reliever airports, indicates that \$10.6 billion in capital development is required through 1980.

The disparity between the level of need reflected in the NASP and the AOCI/AAAE survey points to the importance of the revised NASP to be presented by January 1, 1977, as required in section 4 of H.R. 9771, as reported. This revised NASP will provide an accurate assessment of total airport system requirements. This is further discussed in a later section of this report.

The reported bill recognizes that the total air transportation system needs are great, but tempers this recognition with awareness of the need for realistic budgetary restraints. Section 6 of H.R. 9771, as reported, authorizes appropriations from the trust fund for airport development through Fiscal Year 1980 in the amount of \$2,612,500,000, divided between air carrier (\$2,221,250,000) and general aviation (\$391,250,000) airports.

The following chart illustrates the annual breakdown:

AUTHORIZED FUNDING FOR AIRPORT DEVELOPMENT
 [In millions of dollars]

	1976	Interim period	1977	1978	1979	1980
General aviation airports (including reliever and commuter service airports).....	65	16.25	70	75	80	85
Air carrier airports.....	385	96.25	405	425	445	465
Total.....	450	112.50	475	500	525	550
Grand total fiscal year 1976—fiscal year 1980.....	2,612,500					

For air carrier airports, the Secretary would retain discretionary authority over one-third of the amount made available each year. The remaining two-thirds would be apportioned by a new formula based upon passengers enplaned. Sponsors of eligible air carrier airports (those served by air carriers using aircraft exceeding 12,500 pounds maximum certificated gross takeoff weight) would receive \$6 for the first 50,000 such enplanements, \$4 for the next 50,000, \$2 for the next 400,000 and \$.50 for each enplanement over 500,000. The sponsor of each air carrier airport eligible to receive enplanement funds would be entitled to receive a minimum of \$150,000 for each such airport from the enplanement apportionment. In addition, no air carrier air-

port entitled to receive enplanement funds could receive more than \$10,000,000 from the enplanement apportionment. The \$10,000,000 ceiling would not preclude the sponsor of an airport from receiving more than \$10,000,000 for such airport if the amount in excess of the ceiling were attained from the Secretary's discretionary apportionment.

The new enplanement formula provided in the reported bill increases the percentage of funds going to medium, small, and non-hub air carrier airports. The hearing record reveals the concern that the old apportionment formula favored the large hub airport. Under the existing formula, the large hub airport sponsors (those whose airports enplane not less than one percentum of the total annual passengers enplaned by air carriers certificated by the CAB) received approximately 42 per cent of total air carrier-reliever funds made available. The new formula would recognize the growing needs of the airports serving smaller communities. The AOCI/AAAE survey cited above reveals that the total projected need for airport development over the next five years for medium hub airports exceeds that of large hub airports by a substantial margin.

(The estimated distribution of air carrier program funds for Fiscal Year 1976, reflected in the following charts, are based on 1974 enplanements. This would change if, prior to apportionment, the 1975 enplanement statistics become available. Estimates for the subsequent periods are based on projected enplanement statistics and are subject to change.)

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS (1)

10/10/75	STATE AND LOCATION	1974 ENPLANEMENTS	FY1976	FY1976	FY1977	FY1978	FY1979	FY1980	PAGE 1 AMS-200
	ALASKA		1,185,537	296,384	1,259,882	1,334,228	1,404,224	1,404,224	1,404,224
	ANCHORAGE	708,648	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	BARROW	2,897	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	BETHEL	11,899	174,228	43,057	173,824	175,420	176,922	176,922	176,922
	RETTLES	29,687	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	COLD BAY	791	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	COPROVA	6,208	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	DEADHOUSE	13,053	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	DIE TRECCH	14,953	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	DILLINGHAM	1,687	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	DILLINGHAM	10,387	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	DUTCH HARBOR	2,953	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	FAIRBANKS	184,228	584,643	146,166	615,669	647,875	676,456	676,456	676,456
	FOPT YUKON	1,755	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	GALHERRITH LAKE	1,131	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	GALENA	5,917	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	GAMRELL	398	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	GUSTAVUS	1,493	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	HYMER	771	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	HOPPER BAY	1,460	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	ILIAPNA	123,913	478,461	119,635	502,982	525,824	547,826	547,826	547,826
	JUNEAU	59,498	305,214	76,343	316,351	327,500	337,992	337,992	337,992
	KETCHIKAN	1,072	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	KING COVE	13,884	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	KING SALMON	32,986	189,561	47,390	192,482	195,125	197,916	197,916	197,916
	KODIAK	28,676	164,210	42,053	166,158	170,825	174,056	174,056	174,056
	KOTZUE	2,059	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	MCGHATH	832	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	MEKOPYUK	16,457	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	NOPE	9,275	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	PETERSBURG	575	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	PORT HEIDEN	816	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	PROSPECT CREEK	4,325	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	ST MARYS	1,727	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	SAND POINT	390	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	SAVOONGA	32,725	189,268	47,067	191,014	193,763	196,350	196,350	196,350
	SITKA	887	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	TANANA	123	150,000	374,500	150,000	150,000	150,000	150,000	150,000
	UMNAK								

(1) DISTRIBUTION FORMULA : \$6.00 EACH FOR THE FIRST 50,000 ENPLANEMENTS; \$4.00 EACH FOR THE NEXT 50,000; \$2.00 EACH FOR THE NEXT 400,000; AND \$0.50 EACH FOR ENPLANEMENTS OVER 500,000. (\$150,000 MINIMUM; \$10.0 MILLION MAXIMUM.) APPORTIONMENTS ARE BASED ON 1974 ENPLANEMENTS. A MAXIMUM OF TWO THIRDS OF TOTAL IS APPORTIONED TO AIRPORTS.

10/10/75

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS (1)

STATE AND LOCATION	1974 ENPLACEMENTS	FY1976	FY1976T	FY1977	FY1978	FY1979	FY1980
CENAR RAPIDS	193,127	592,753	148,188	624,540	656,326	686,254	686,254
CLINTON	4,722	150,000	37,500	150,000	150,000	150,000	150,000
DES MOINES	510,254	1,103,719	275,930	1,172,190	1,240,661	1,305,127	1,305,127
DUHUQUE	31,263	181,026	45,256	183,253	185,481	187,578	187,578
FORT DODGE	5,018	150,000	37,500	150,000	150,000	150,000	150,000
MASON CITY	15,541	150,000	37,500	150,000	150,000	150,000	150,000
OTTUMWA	6,467	150,000	37,500	150,000	150,000	150,000	150,000
SIOUX CITY	112,173	459,075	114,769	481,265	503,454	524,346	524,346
WATERLOO	102,020	442,309	110,577	463,296	484,282	504,040	504,040
STATE TOTAL (10)	1,005,189	3,528,882	882,220	3,674,544	3,820,204	3,957,345	3,957,345
KANSAS							
GARDEN CITY	8,105	150,000	37,500	150,000	150,000	150,000	150,000
GOODLAND	2,103	150,000	37,500	150,000	150,000	150,000	150,000
HAYS	9,347	150,000	37,500	150,000	150,000	150,000	150,000
INDEPENDENCE- (THI CITY)	2,808	150,000	37,500	150,000	150,000	150,000	150,000
LIBERAL-GUYMON	13,973	150,000	37,500	150,000	150,000	150,000	150,000
MAHATTAN	44,907	248,616	62,154	254,696	262,776	269,442	269,442
SALINA	19,103	150,000	37,500	150,000	150,000	150,000	150,000
TOPEKA (BILLARD)	36,218	205,572	51,393	209,562	213,552	217,308	217,308
WICHITA	408,237	947,959	236,990	1,005,248	1,062,537	1,116,474	1,116,474
STATE TOTAL (9)	544,801	2,302,147	575,537	2,370,506	2,438,865	2,503,224	2,503,224
KENTUCKY							
GREATER CINCINNATI	1,367,867	1,457,758	364,440	1,551,647	1,645,537	1,733,934	1,733,934
LEXINGTON (BLUE GRASS)	212,818	625,268	156,317	659,389	693,511	725,636	725,636
LONDON-COHIN	3,911	150,000	37,500	150,000	150,000	150,000	150,000
LOUISVILLE (STANFORD)	880,522	1,256,573	314,143	1,336,018	1,415,463	1,490,261	1,490,261
OWENSBORO (O-DAVIS CO.)	6,241	150,000	37,500	150,000	150,000	150,000	150,000
PADUCAH (HARKLEY FIELD)	44,557	246,882	61,721	253,838	260,793	267,342	267,342
STATE TOTAL (6)	2,515,916	3,886,441	971,621	4,100,892	4,315,304	4,517,173	4,517,173
LOUISIANA							
ALEXANDRIA (ESLER)	63,420	318,166	79,542	330,240	342,313	353,680	353,680
BATON ROUGE (HYAN)	146,250	515,346	128,836	541,575	567,805	592,500	592,500
LAFAYETTE	93,825	418,581	104,645	437,863	457,145	475,300	475,300
LAKE CHARLES	34,224	195,694	48,924	198,975	202,255	205,344	205,344
MONROE	86,243	393,541	98,385	411,025	428,510	444,972	444,972
NEW ORLEANS (MOISSANT)	2,321,177	1,851,304	462,826	1,973,447	2,095,590	2,210,589	2,210,589
SHREVEPORT (MUNI.)	351,223	853,813	213,453	904,343	954,872	1,002,446	1,002,446
STATE TOTAL (7)	3,096,362	4,546,445	1,136,611	4,797,668	5,048,490	5,284,831	5,284,831

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ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS (1)

STATE AND LOCATION	1974 ENPLACEMENTS	FY1976	FY1976T	FY1977	FY1978	FY1979	FY1980
MAINE							
BANGOR	186,030	581,033	145,258	611,979	642,925	672,060	672,060
PORTLAND	166,486	548,761	137,190	577,389	606,018	632,972	632,972
PRESCUE ISLE	33,406	191,642	47,910	194,632	197,621	200,436	200,436
STATE TOTAL (3)	385,922	1,321,436	330,358	1,384,000	1,446,564	1,505,468	1,505,468
MARYLAND							
BALTIMORE	1,557,591	1,536,080	384,020	1,635,592	1,735,104	1,828,796	1,828,796
STATE TOTAL (1)	1,557,591	1,536,080	384,020	1,635,592	1,735,104	1,828,796	1,828,796
MASSACHUSETTS							
BOSTON (LOGAN)	5,392,155	3,119,064	779,766	3,332,225	3,545,386	3,746,078	3,746,078
HYANNIS (BARNSTABLE)	43,546	241,874	60,468	248,470	255,066	261,276	261,276
MARTHAS VINYARD	21,494	150,000	37,500	150,000	150,000	150,000	150,000
NANTUCKET	39,989	224,253	56,063	229,584	234,915	239,934	239,934
NEW BEDFORD	9,395	150,000	37,500	150,000	150,000	150,000	150,000
WORCESTER	17,989	150,000	37,500	150,000	150,000	150,000	150,000
STATE TOTAL (6)	5,524,568	4,035,191	1,008,797	4,260,279	4,445,367	4,697,288	4,697,288
MICHIGAN							
ALPENA (PHELPS COLLINS)	8,743	150,000	37,500	150,000	150,000	150,000	150,000
BENTON HARBOR (ROSS FLD.)	29,540	171,539	42,885	173,085	174,632	176,088	176,088
DETROIT (DET. CITY APT.)	36,674	207,431	51,958	211,983	216,135	220,044	220,044
DETROIT METRO. WAYNE CITY	4,111,720	2,590,475	647,619	2,765,687	2,940,898	3,105,860	3,105,860
ESCANABA	16,403	150,000	37,500	150,000	150,000	150,000	150,000
FLINT (TRISHOP)	102,300	442,772	110,693	443,791	444,810	504,600	504,600
GRAND RAPIDS (KENT CO.)	291,216	150,000	37,500	150,000	150,000	150,000	150,000
HANCOCK (BOUGHTON CO.)	22,914	150,000	37,500	150,000	150,000	150,000	150,000
IRON MOUNTAIN (FOHD)	15,403	150,000	37,500	150,000	150,000	150,000	150,000
INDWOOD/WASHLAND	8,906	150,000	37,500	150,000	150,000	150,000	150,000
JACKSON (HEYNOLDS)	9,064	150,000	37,500	150,000	150,000	150,000	150,000
KALAMAZOO-BATTLE CREEK	99,303	436,672	109,168	457,253	477,835	497,212	497,212
LANSING (CAPITAL CITY)	164,300	545,151	136,288	573,521	601,890	628,600	628,600
MAINEETTE (MEMORINEE CO.)	3,423	150,000	37,500	150,000	150,000	150,000	150,000
MARQUETTE	35,389	201,465	50,366	205,160	208,855	212,334	212,334
MUSKEGON	71,915	346,222	86,555	360,309	374,397	387,660	387,660
PELLSTON	27,179	160,794	40,199	161,569	162,344	163,074	163,074
SAGINAW BAY CITY	174,308	561,677	140,419	591,233	620,789	644,616	644,616
SAULT ST. MARIE	12,665	150,000	37,500	150,000	150,000	150,000	150,000
TRAVERS CITY	63,072	317,017	79,254	329,008	340,999	352,288	352,288
STATE TOTAL (21)	5,313,327	8,086,340	2,021,585	8,440,740	8,795,140	9,128,808	9,128,808

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ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS (1)

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STATE AND LOCATION	1974 ENPLANEMENTS	FY1976	FY1976T	FY1977	FY1978	FY1979	FY1980
MINNESOTA							
BEMIDJI	12,598	150,000	37,500	150,000	150,000	150,000	150,000
BRAINERD	10,436	150,000	37,500	150,000	150,000	150,000	150,000
CHISHOLM/HIRSHING	16,417	150,000	37,500	150,000	150,000	150,000	150,000
DULUTH/SUPERIOR	112,225	459,161	114,790	481,357	503,553	524,450	524,450
FAIRMONT	3,789	150,000	37,500	150,000	150,000	150,000	150,000
INTERNATIONAL FALLS	14,556	150,000	37,500	150,000	150,000	150,000	150,000
MAHKA TO	3,719	150,000	37,500	150,000	150,000	150,000	150,000
MINNEAPOLIS/ST. PAUL	3,332,108	2,268,636	587,159	2,420,741	2,572,848	2,718,054	2,718,054
ROCHESTER	144,588	512,601	128,150	538,634	564,666	150,000	150,000
THIEF RIVER FALLS	9,084	150,000	37,500	150,000	150,000	150,000	150,000
WORTHINGTON	2,971	150,000	37,500	150,000	150,000	150,000	150,000
STATE TOTAL (11)	3,662,191	4,440,398	1,110,099	4,640,732	4,841,065	5,029,680	5,029,680
MISSISSIPPI							
COLUMBUS	36,141	205,191	51,298	209,153	213,115	216,846	216,846
GREENVILLE	29,297	171,287	42,822	172,815	174,343	175,782	175,782
GREENWOOD	2,637	150,000	37,500	150,000	150,000	150,000	150,000
GULFPORT/HILOXI	86,110	393,101	98,275	410,555	428,008	444,440	444,440
HATTIESBURG	4,399	150,000	37,500	150,000	150,000	150,000	150,000
JACKSON/VICKSBURG	342,299	839,077	209,769	888,549	938,020	984,598	984,598
NEWIDIAN	30,728	178,376	44,594	180,413	182,450	184,368	184,368
NATCHEZ	3,339	150,000	37,500	150,000	150,000	150,000	150,000
TUPELO	12,773	150,000	37,500	150,000	150,000	150,000	150,000
UNIVERSITY/OXFORD	1,560	150,000	37,500	150,000	150,000	150,000	150,000
STATE TOTAL (10)	549,283	2,537,032	634,258	2,611,485	2,685,936	2,756,034	2,756,034
MISSOURI							
CAPE GIRARDEAU	11,644	150,000	37,500	150,000	150,000	150,000	150,000
COLUMBIA/JEFFERSON CITY	34,518	197,151	49,288	200,536	203,921	207,108	207,108
JOPLIN	48,363	265,737	66,434	274,044	282,355	290,178	290,178
KANSAS CITY (INTNL)	2,151,472	1,781,246	445,311	1,894,360	2,015,473	2,125,736	2,125,736
KIRKSVILLE	3,084	150,000	37,500	150,000	150,000	150,000	150,000
KAISEN	8,365	150,000	37,500	150,000	150,000	150,000	150,000
ST. LOUIS (LAMBERT)	3,406,680	2,299,421	574,855	2,453,736	2,608,052	2,753,340	2,753,340
SPRINGFIELD	113,548	461,345	115,336	483,698	506,051	527,096	527,096
STATE TOTAL (6)	5,777,674	5,454,900	1,363,724	5,760,376	6,065,852	6,353,458	6,353,458
MONTANA							
BILLINGS (LOGAN)	259,548	702,432	175,608	742,093	781,755	819,096	819,096
BOZEMAN	40,172	225,160	56,290	230,556	235,952	241,032	241,032
BUTTE	42,487	236,628	59,157	242,847	249,066	254,922	254,922
GREAT FALLS (INTNL)	140,283	505,492	126,373	531,015	556,537	580,566	580,566

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ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS (1)

10/10/75

STATE AND LOCATION	1974 ENPLANEMENTS	FY1976	FY1976T	FY1977	FY1978	FY1979	FY1980
NEBRASKA							
ALLIANCE	1,674	150,000	37,500	150,000	150,000	150,000	150,000
CHADRON	2,595	150,000	37,500	150,000	150,000	150,000	150,000
COLUMBUS	2,242	150,000	37,500	150,000	150,000	150,000	150,000
GRAND ISLAND	25,026	150,129	37,532	150,138	150,147	150,156	150,156
HASTINGS	5,984	150,000	37,500	150,000	150,000	150,000	150,000
KEARNEY	5,669	150,000	37,500	150,000	150,000	150,000	150,000
LINCOLN	148,165	518,508	129,627	544,964	571,421	596,330	596,330
MCCOOK	3,865	150,000	37,500	150,000	150,000	150,000	150,000
NOPPOK	5,207	150,000	37,500	150,000	150,000	150,000	150,000
NORTH PLATTE	17,465	150,000	37,500	150,000	150,000	150,000	150,000
OMAHA (EPPLEY)	775,635	1,213,273	303,318	1,289,610	1,365,946	1,437,818	1,437,818
SCOTT'S BLUFF	21,723	150,000	37,500	150,000	150,000	150,000	150,000
SIDNEY	1,862	150,000	37,500	150,000	150,000	150,000	150,000
STATE TOTAL (13)	1,017,132	3,381,910	845,477	3,484,712	3,587,514	3,684,304	3,684,304
NEVADA							
ELKO	18,461	150,000	37,500	150,000	150,000	150,000	150,000
ELY	6,536	150,000	37,500	150,000	150,000	150,000	150,000
LAS VEGAS-MCCARREN INTNL	2,862,570	2,074,801	518,700	2,212,990	2,351,179	2,481,285	2,481,285
RENO	544,404	1,117,816	279,454	1,187,300	1,256,783	1,322,202	1,322,202
STATE TOTAL (4)	3,431,971	3,492,617	873,154	3,700,290	3,907,962	4,103,487	4,103,487
NEW HAMPSHIRE							
KEENE	12,369	150,000	37,500	150,000	150,000	150,000	150,000
MANCHESTER-GRENIER FIELD	35,156	200,311	50,078	203,923	207,535	210,936	210,936
LEBANON	23,912	150,000	37,500	150,000	150,000	150,000	150,000
STATE TOTAL (3)	71,437	500,311	125,078	503,923	507,535	510,936	510,936
NEW JERSEY							
NEWARK (INCL IN NEW YORK)							
STATE TOTAL (0)							
NEW MEXICO							
ALMOGORDO	6,734	150,000	37,500	150,000	150,000	150,000	150,000

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ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS (1)

10/10/75

STATE AND LOCATION	1974 ENPLANEMENTS	FY1976	FY1976T	FY1977	FY1978	FY1979	FY1980
STATE TOTAL (9)	1,825,684	3,341,766	835,442	3,484,761	3,627,759	3,762,391	3,762,391
PENNSYLVANIA							
ALLENSTOWN/BETH./EASTON	220,064	637,233	159,308	672,213	707,194	740,128	740,128
ALTOONA (BLAIRE CO.)	19,737	150,000	37,500	150,000	150,000	150,000	150,000
BRADFORD	22,680	150,000	37,500	150,000	150,000	150,000	150,000
PHILLIPSBURG (MID-STATE)	18,360	150,000	37,500	150,000	150,000	150,000	150,000
ERIE	124,645	479,670	119,917	503,338	527,006	549,290	549,290
HARRISSBURG (OLMSTEAD)	296,778	763,909	190,977	807,984	852,059	893,556	893,556
JOHNSTOWN	22,032	150,000	37,500	150,000	150,000	150,000	150,000
PHILADELPHIA (INTNL)	3,992,660	2,541,325	635,331	2,713,008	2,884,690	3,046,330	3,046,330
PITTSBURGH (GREATER PIT.)	3,776,755	2,452,195	613,049	2,617,479	2,782,762	2,938,378	2,938,378
SCRANTON/WILKES BARRE	153,892	527,965	131,991	555,100	582,236	607,784	607,784
WILLIAMSPORT	39,944	224,030	56,008	229,345	234,660	239,664	239,664
STATE TOTAL (11)	8,687,547	8,226,327	2,056,581	8,698,467	9,170,607	9,615,130	9,615,130
RHODE ISLAND							
PROVIDENCE	441,967	1,003,657	250,914	1,064,944	1,126,232	1,183,934	1,183,934
STATE TOTAL (1)	441,967	1,003,657	250,914	1,064,944	1,126,232	1,183,934	1,183,934
SOUTH CAROLINA							
CHARLESTON	355,505	860,884	215,221	911,921	962,958	1,011,010	1,011,010
COLUMBIA	759,299	861,033	216,758	918,512	969,991	1,018,458	1,018,458
FLORENCE	27,073	160,269	40,067	161,007	161,744	162,438	162,438
GREENVILLE/SPARTANBURG	248,225	683,735	170,934	722,054	760,373	796,450	796,450
MYRTLE BEACH	44,535	246,773	61,693	253,721	260,669	267,210	267,210
STATE TOTAL (5)	1,034,567	2,818,694	704,673	2,967,215	3,115,735	3,255,566	3,255,566
SOUTH DAKOTA							
ABERDEEN	29,832	173,937	43,484	175,655	177,374	178,992	178,992
HOOVERINGS	2,512	150,000	37,500	150,000	150,000	150,000	150,000
HURON-HOWES MUNI.	4,053	150,000	37,500	150,000	150,000	150,000	150,000
MITCHEL	3,789	150,000	37,500	150,000	150,000	150,000	150,000
PIERCE	38,064	214,717	53,679	219,363	224,010	228,384	228,384
RAPID CITY	117,856	468,459	117,115	491,323	514,186	535,712	535,712
SIOUX FALLS-JOE FOSS	228,936	651,883	162,971	687,915	723,948	757,872	757,872
WATFRTOWN	15,113	150,000	37,500	150,000	150,000	150,000	150,000
YANKTOWN-CHAN. GURNEY	4,731	150,000	37,500	150,000	150,000	150,000	150,000
STATE TOTAL (9)	444,886	2,258,996	564,749	2,324,256	2,389,518	2,450,960	2,450,960
TENNESSEE							
BRISTOL-TRI CITY	195,504	596,678	149,169	628,746	660,815	691,008	691,008

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ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS (1)

10/10/75

STATE AND LOCATION	1974 ENPLANEMENTS	FY1976	FY1976T	FY1977	FY1978	FY1979	FY1980
STATE TOTAL (7)	3,627,155	5,418,294	1,354,570	5,731,900	6,045,515	6,340,787	6,340,787
TEXAS							
ARLINE	41,652	232,491	58,123	238,414	244,336	249,912	249,912
AMARILLO	201,035	605,811	151,453	638,535	671,260	702,070	702,070
AUSTIN-ROBERT MUELLER	359,621	868,011	217,003	919,560	971,109	1,019,642	1,019,642
BEAUMONT-JEFFERSON COUNTY	73,465	351,340	87,835	365,796	380,251	393,860	393,860
BIG SPRING-HOWARD COUNTY	3,116	150,000	37,500	150,000	150,000	150,000	150,000
BROWNSVILLE-HARLINGEN	42,718	237,772	59,443	244,074	250,375	256,308	256,308
BROWNSVILLE-RIO GRANDE	58,941	303,374	75,844	314,385	325,397	335,764	335,764
BROWNWOOD	3,804	150,000	37,500	150,000	150,000	150,000	150,000
COPPUS CHRISTI	187,200	582,965	145,741	614,050	645,134	674,400	674,400
DALLAS/F.W.-REGIONAL	7,496,211	3,987,660	996,915	4,263,181	4,538,702	4,798,106	4,798,106
EL PASO	555,036	1,122,206	280,541	1,192,004	1,261,802	1,327,518	1,327,518
HOUSTON INTNL	3,155,689	2,195,807	548,952	2,342,683	2,489,560	2,627,845	2,627,845
LAKEBO	17,670	150,000	37,500	150,000	150,000	150,000	150,000
LONGVIEW-GREGG COUNTY	12,203	150,000	37,500	150,000	150,000	150,000	150,000
LUFKOCK	232,503	657,773	164,443	694,228	730,683	765,006	765,006
LUFKIN-ANGELINA COUNTY	2,200	150,000	37,500	150,000	150,000	150,000	150,000
MIDLAND/ODESSA	217,475	632,958	158,239	667,631	702,305	734,950	734,950
MISSION-MILLER INTNL	73,062	350,010	87,502	364,369	378,729	392,248	392,248
PARIS-COX FIELD	1,619	150,000	37,500	150,000	150,000	150,000	150,000
SAN ANGELO-MATHIS FIELD	25,333	151,650	37,912	151,768	151,846	151,998	151,998
SAN ANTONIO	1,114,909	1,353,332	338,333	1,439,724	1,526,116	1,607,455	1,607,455
TEMPLE-DRAUGHON-MILLER	20,335	150,000	37,500	150,000	150,000	150,000	150,000
TYLER-POUNDS FIELD	10,397	150,000	37,500	150,000	150,000	150,000	150,000
WACO	19,380	150,000	37,500	150,000	150,000	150,000	150,000
WICHITA FALLS	80,861	375,766	93,942	391,975	408,184	423,444	423,444
STATE TOTAL (25)	14,006,635	15,358,928	3,839,731	16,192,377	17,025,829	17,810,526	17,810,526
UTAH							
CEDAR CITY	5,969	150,000	37,500	150,000	150,000	150,000	150,000
MOAB-CANYONLANDS	1,783	150,000	37,500	150,000	150,000	150,000	150,000
SALT LAKE CITY	1,396,988	1,469,780	367,445	1,564,532	1,655,284	1,748,494	1,748,494
VEHNAL	6,059	150,000	37,500	150,000	150,000	150,000	150,000
STATE TOTAL (4)	1,410,799	1,919,780	479,945	2,014,532	2,109,284	2,198,494	2,198,494

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ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS (1)

10/10/75

STATE AND LOCATION	1974 ENPLACEMENTS	FY1976	FY1976T	FY1977	FY1978	FY1979	FY1980
VERMONT							
BURLINGTON	113,651	461,515	115,379	483,880	506,245	527,302	527,302
STATE TOTAL (11)	113,651	461,515	115,379	483,880	506,245	527,302	527,302
VIRGINIA							
CHARLOTTESVILLE	52,278	281,349	70,342	290,801	300,232	309,112	309,112
DAHVILLE	7,028	150,000	37,500	150,000	150,000	150,000	150,000
HOT SPRINGS-INGALLS	4,666	150,000	37,500	150,000	150,000	150,000	150,000
LYNCHBURG	57,463	298,493	74,623	309,154	319,815	329,852	329,852
NEWPORT NEWS-PATRICK HENRY	217,569	633,113	158,278	667,798	702,482	735,138	735,138
NORFOLK	729,662	1,194,295	298,574	1,269,269	1,344,243	1,414,831	1,414,831
RICHMOND-RICH E. BYRD	447,367	1,012,574	253,143	1,074,501	1,136,429	1,194,734	1,194,734
ROANOKE	357,185	863,658	215,915	914,894	966,131	1,014,370	1,014,370
STAUNTON-SHENANDOAH	21,772	150,000	37,500	150,000	150,000	150,000	150,000
STATE TOTAL (9)	1,894,990	4,733,502	1,183,375	4,976,417	5,219,332	5,448,037	5,448,037
WASHINGTON							
EPHATA	1,410	150,000	37,500	150,000	150,000	150,000	150,000
PASCO-TRI-CITY	63,868	319,646	79,911	331,825	344,005	355,472	355,472
PULLMAN-MOSCOW	18,894	150,000	37,500	150,000	150,000	150,000	150,000
SEATTLE-TACOMA INTNL	2,911,969	2,095,194	523,799	2,234,847	2,374,501	2,505,985	2,505,985
SPOKANE	589,676	1,136,506	284,126	1,207,331	1,278,156	1,344,838	1,344,838
WALLA WALLA	16,779	150,000	37,500	150,000	150,000	150,000	150,000
WENATCHEE-PANGBORN	7,265	150,000	37,500	150,000	150,000	150,000	150,000
YAKIMA	77,185	363,626	90,907	378,963	394,300	408,740	408,740
STATE TOTAL (8)	3,687,046	4,514,972	1,128,743	4,752,966	4,990,962	5,215,035	5,215,035
WEST VIRGINIA							
ASPLAND/HUNNINGTON	92,277	413,468	103,367	432,384	451,299	469,108	469,108
BECKLEY-WALEIGH COUNTY	10,047	150,000	37,500	150,000	150,000	150,000	150,000
CHARLESTON KANAWHA	251,533	689,197	172,299	727,908	766,619	803,066	803,066
CLARKSBURG-RENEDEUM	37,852	213,667	53,417	218,238	222,808	227,112	227,112
GREENHURST	15,267	150,000	37,500	150,000	150,000	150,000	150,000
MORGANTOWN	28,668	168,171	42,043	169,475	170,780	172,008	172,008
PARKERSBURG-WOOD COUNTY	45,225	250,191	62,548	257,385	264,578	271,350	271,350
PRINCETON-MERCER COUNTY	25,312	151,546	37,886	151,657	151,768	151,872	151,872
STATE TOTAL (8)	506,181	2,186,240	546,560	2,257,047	2,327,852	2,394,516	2,394,516
WISCONSIN							
BELOIT-ROCK COUNTY	6,091	150,000	37,500	150,000	150,000	150,000	150,000
EAU CLAIRE	264,883	157,347	39,337	157,874	158,401	158,898	158,898
GREEN BAY CLINTONVILLE	244,223	677,126	169,282	714,971	752,815	788,446	788,446

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ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS (1)

10/10/75

STATE AND LOCATION	1974 ENPLACEMENTS	FY1976	FY1976T	FY1977	FY1978	FY1979	FY1980
LA CROSSE	52,712	282,802	70,701	297,337	301,871	310,848	310,848
MADISON-TRUAX	261,883	706,288	176,572	746,226	766,164	823,766	823,766
MARITOWOC	9,022	150,000	37,500	150,000	150,000	150,000	150,000
MILWAUKEE-GEN. MITCHEL	1,181,571	1,380,852	345,213	1,469,219	1,557,587	1,640,786	1,640,786
OSHKOSH-WITTMAN	57,571	298,850	74,712	309,536	320,223	330,284	330,284
RHINELANDER-ONIEDA COUNTY	21,120	150,000	37,500	150,000	150,000	150,000	150,000
WAUSAU-CENTRAL WISCONSIN	71,085	343,480	85,870	357,371	371,262	384,340	384,340
STATE TOTAL (10)	1,931,761	4,296,745	1,074,187	4,497,534	4,698,323	4,887,368	4,887,368
WYOMING							
CASPER	79,699	371,929	92,982	387,862	403,795	418,796	418,796
CHEYENNE	35,173	200,395	50,099	204,013	207,632	211,038	211,038
JACKSON	32,228	185,806	46,452	188,377	190,948	193,368	193,368
LAHAMIE-GEN. BREES	10,031	150,000	37,500	150,000	150,000	150,000	150,000
LOVELL-CODY	6,235	150,000	37,500	150,000	150,000	150,000	150,000
RIVERTON	12,925	150,000	37,500	150,000	150,000	150,000	150,000
ROCK SPRINGS	16,791	150,000	37,500	150,000	150,000	150,000	150,000
SHERIDAN	12,467	150,000	37,500	150,000	150,000	150,000	150,000
WORLDAND	4,903	150,000	37,500	150,000	150,000	150,000	150,000
STATE TOTAL (9)	210,852	1,658,130	414,533	1,680,252	1,702,375	1,723,202	1,723,202
PUERTO RICO							
PONCE	155,646	530,861	132,715	558,204	585,548	611,292	611,292
SAN JUAN	2,799,608	2,048,809	512,202	2,185,132	2,321,455	2,449,804	2,449,804
TOTAL (2)	2,955,254	2,579,670	644,917	2,743,336	2,907,003	3,061,096	3,061,096
VIRGIN ISLANDS							
CHARLOTTE AMALIE	491,075	1,084,748	271,187	1,151,857	1,218,966	1,282,150	1,282,150
CHRISTIANSTED	256,934	698,116	174,529	737,467	776,819	813,868	813,868
TOTAL (2)	748,009	1,782,864	445,716	1,889,324	1,995,785	2,096,018	2,096,018
GUAM							
AGANA	302,343	773,099	193,275	817,833	862,568	904,686	904,686
TOTAL (1)	302,343	773,099	193,275	817,833	862,568	904,686	904,686
AMERICAN SAMOA							
PAGO PAGO	26,369	156,782	39,195	157,269	157,756	158,214	158,214
TOTAL (1)	26,369	156,782	39,195	157,269	157,756	158,214	158,214
CAROLINE ISLANDS							
KOROR	8,091	150,000	37,500	150,000	150,000	150,000	150,000

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ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS (1)

10/10/75

STATE AND LOCATION	1974 ENPLANEMENTS	FY1976	FY1976T	FY1977	FY1978	FY1979	FY1980
TRUK	7,577	150,000	37,500	150,000	150,000	150,000	150,000
YAP	4,186	150,000	37,500	150,000	150,000	150,000	150,000
TOTAL (3)	19,854	450,000	112,500	450,000	450,000	450,000	450,000
MARIANA ISLANDS							
ROTA	742	150,000	37,500	150,000	150,000	150,000	150,000
SAIPAN	61,958	313,338	78,334	325,065	336,791	347,632	347,632
TOTAL (2)	62,700	463,338	115,834	475,065	496,791	497,632	497,632
MARSHAL ISLANDS							
MAJURO	7,795	150,000	37,500	150,000	150,000	150,000	150,000
TOTAL (1)	7,795	150,000	37,500	150,000	150,000	150,000	150,000
50 STATES (461)	207,982,240	250,310,910	62,577,725	263,317,172	270,323,434	288,568,884	288,568,884
OTHER (12)	4,122,324	6,355,753	1,588,937	6,882,827	7,009,903	7,317,846	7,317,846
TOTAL APPORTIONED	141,403,043	256,666,663	64,166,662	269,999,999	283,333,337	295,886,730	295,886,730
TOTAL DISCRETIONARY	70,701,521	128,333,337	32,083,338	135,000,001	141,666,663	149,113,270	149,113,270
GRAND TOTAL (473)	212,104,564	385,000,000	96,250,000	405,000,000	425,000,000	445,000,000	445,000,000

(1) DISTRIBUTION FORMULA: \$6.00 EACH FOR THE FIRST 50,000 ENPLANEMENTS; \$4.00 EACH FOR THE NEXT 50,000; \$2.00 EACH FOR THE NEXT 400,000; AND \$0.50 EACH FOR ENPLANEMENTS OVER 500,000. (\$150,000 MINIMUM; \$10.0 MILLION MAXIMUM.) APPORTIONMENTS ARE BASED ON 1974 ENPLANEMENTS. A MAXIMUM OF TWO THIRDS OF TOTAL IS APPORTIONED TO AIRPORTS.

The term "passengers enplaned" is unchanged from the 1970 Act. Under the 1970 Act the Secretary collects data on the United States domestic, territorial and international revenue passenger enplanements in scheduled and non-scheduled service of air carriers and foreign air carriers. Included are revenue passengers of certificated route air carriers, commuter air carriers (intrastate and interstate), foreign flag air carriers, air taxi operators (intrastate and interstate), and intrastate carriers such as Pacific Southwest Airlines in California.

Section 7 of the bill, as reported, makes several changes in the apportionment for general aviation airports, reflecting the creation of a new class of airports (commuter service airports) and the transfer of reliever airports from the air carrier to the general aviation apportionment.

More than 200 air carriers are operating under exemption granted by the CAB from section 401(a) of the Federal Aviation Act of 1958. According to a July 1975 CAB report these commuter air carriers serve approximately 725 airports. Approximately 200 such airports receive no other scheduled air service. The report indicates that commuters carried more than 6 million passengers, flew over 640 million passenger miles, carried over 110 million pounds of cargo and over 150 million pounds of mail in Fiscal Year 1974. Under the 1970 Act airports served exclusively by commuter carriers were funded from the general aviation fund with no statutory preference given over all other general aviation airports. Since the 1970 legislation was passed, the commuter airline industry has expanded rapidly and has become vitally important to the communities served.

The bill, as reported, recognizes this growth and seeks to give a priority status to those airports served exclusively by commuter air carriers at which not less than 1500 passengers were enplaned in the aggregate by all such carriers from such airports during the preceding calendar year. Approximately 150 airports meet the definition of "commuter service airport". Under the 1970 Act, 80 of these 150 airports received a total of \$38.8 million through February, 1975, which represents an annual funding average for the entire class of airports of only \$8.5 million.

There are 150 existing reliever airports in the NASP, with 55 locations identified as needing new relievers. Additionally, nine existing airports are slated by the Secretary to become reliever airports within the next five years. These airports play a significant role in diverting general aviation traffic from air carrier airports. Continued viability of existing relievers and development of new relievers remains an important objective. Reliever airports were funded out of the air carrier apportionment under the 1970 Act. During the five year period since its enactment, 81 of the existing relievers (54% of the total eligible for funding) received \$61.6 million, an average of only \$12.3 million per year. Only three new reliever airports were built. Competition with air carrier airports has thus resulted in reliever airports being given little opportunity to receive needed grants. H.R. 9771, as reported, places reliever airports in the general aviation apportionment and affords such airports a priority status.

The general aviation airport funding level, as set forth in the following chart, is \$65 million for Fiscal Year 1976 (plus \$16.25 million for the interim period) with increases of \$5 million per annum for each

of the fiscal years 1977-1980 until a level of \$85 million is reached. For each year, \$25 million (\$6.25 million for the interim period) of the total general aviation apportionment would be earmarked for commuter service and reliever airports at the Secretary's discretion. The remaining funds would be distributed as follows: 75% based on the proportional area and population formula contained in the 1970 Act; 1% to the jurisdictions of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Virgin Islands, to be distributed at the Secretary's discretion; and, the remaining 24% at the Secretary's discretion. Commuter service and reliever airports would be eligible to receive funds under the remaining general aviation apportionment in addition to the \$25,000,000 earmarked for these categories of airports.

AIROPRT DEVELOPMENT AID PROGRAM DISTRIBUTION OF \$65,000,000 FOR GENERAL AVIATION AIRPORT DEVELOPMENT FOR FISCAL YEAR 1976

State	State apportionment	State	State apportionment
Alabama.....	\$466,721	New Mexico.....	569,850
Alaska.....	2,406,375	New York.....	1,558,988
Arizona.....	594,056	North Carolina.....	589,238
Arkansas.....	358,180	North Dakota.....	333,018
California.....	2,117,789	Ohio.....	967,681
Colorado.....	586,945	Oklahoma.....	473,659
Connecticut.....	246,171	Oregon.....	549,105
Delaware.....	50,217	Pennsylvania.....	1,057,872
District of Columbia.....	56,172	Rhode Island.....	75,156
Florida.....	747,344	South Carolina.....	318,548
Georgia.....	578,530	South Dakota.....	362,558
Hawaii.....	83,843	Tennessee.....	461,911
Idaho.....	392,445	Texas.....	1,914,601
Illinois.....	1,054,803	Utah.....	423,544
Indiana.....	531,456	Vermont.....	71,908
Iowa.....	437,400	Virginia.....	515,697
Kansas.....	500,482	Washington.....	539,236
Kentucky.....	402,048	West Virginia.....	227,481
Louisiana.....	470,395	Wisconsin.....	594,970
Maine.....	213,236	Wyoming.....	422,669
Maryland.....	339,644		
Massachusetts.....	456,972	State apportionment total.....	30,000,000
Michigan.....	1,048,200		
Minnesota.....	631,574	Discretionary totals.....	35,000,000
Mississippi.....	359,892		
Missouri.....	628,882	Reliever and commuter service airports.....	25,000,000
Montana.....	649,593	General aviation airports.....	9,600,000
Nebraska.....	423,621	Territorial airports.....	400,000
Nevada.....	485,479		
New Hampshire.....	92,495	Grand total.....	65,000,000
New Jersey.....	561,440		

With regard to the Federal share of airport development project costs, the 1970 Act, as amended, placed a limit for sponsors of large hub airports of 50% and a limit of 75% for all other sponsors. Exceptions were made in case of projects for certain landing aids and for safety certification and required security equipment for which the limit for all sponsors was 82%. The Federal share would become a uniform 75% under this bill, with the exception that the current 82% provisions would continue until the beginning of Fiscal Year 1978. Another change is that the 1970 Act stated the Federal share in terms of "may not exceed" a certain percentage. Section 9 of H.R. 9771, as reported, would change the concept under which the Secretary is authorized to make the United States share less than the stated percentage, to a mandatory percentage.

Section 17(b) of the 1970 Act, which authorizes increases in the Federal share of airport development project costs in those States with a high proportion of public lands, remains unchanged in H.R. 9771, as reported. Under this section, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the Federal share is increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area. Thirteen States qualify for these increases. The States are: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming.

THE NATIONAL AIRPORT SYSTEM PLAN

Federal aid for airport development is extended to those airports "necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the Postal Service." This system of airports is identified in the National Airport System Plan (NASP), a document prepared, published, and revised as necessary by the Secretary under the mandate of the Airport and Airway Development Act of 1970. This plan, which was initially presented to Congress in September 1973, and which is continually updated, is intended to set forth for each such airport the type and estimated cost of airport development over a 10 year period. The purpose of the NASP is to provide a basis for planned, orderly airport development on a nationwide basis during the decade of the 70's.

The Aviation Subcommittee hearings into the need to revise and extend the 1970 Act revealed widespread dissatisfaction with the NASP as inadequate to identify system needs and determine system priorities. In sum, the NASP, as presently constituted, has provided neither the quality nor the type of information necessary in order to enable proper planning and orderly development of a system of airports in this country. Instead, it has become a catalogue or directory of airports with a series of proposed projects that sponsors have proposed which may or may not have a relationship to overall national objectives. H.R. 9771, as reported, would address three major criticisms of the NASP.

One problem is the lack of guidance given the Secretary concerning the types of airports which should be in the NASP. As a consequence the number of airports in the NASP has steadily increased to the point where as of June 30, 1975, there were 4,041 listed. The Secretary needs to be more selective in designating those airports for inclusion in the NASP and thereby make better use of available manpower and resources and produce a more manageable and useful document.

To give the Secretary better guidance in preparing the plan, Section 8(a) of HR 9771, as reported, lists those types of airports which should be included. These types of airports are as follows: (1) air carrier airports, (2) commuter service airports, (3) reliever airports

and (4) general aviation airports (a) which are regularly served by aircraft transporting United States mail, or (b) which are regularly used by aircraft of a unit of the Air National Guard or of a Reserve component of the Armed Forces, or (c) which are regularly used by aircraft engaged in significant business operations, or (d) which are of significant importance to the economic development of a state or region, or (e) which the Secretary determines meet the needs of civil aeronautics.

A second problem is that the NASP contains too much detail to be useful as a tool to focus funds where most needed. This results from the provision in section 16(a) of the 1970 Act which prohibits a sponsor from submitting a project application for any "airport development other than that included in the then current revision of the national airport system plan." The NASP has consequently been cluttered with too many insignificant projects, and sponsors have been forced into wasteful clearance procedures of getting each specific project in the NASP in the hope that such project will be eligible for funding.

To correct this problem, section 8 of H.R. 9771 as reported, would eliminate the requirement contained in section 16 of the 1970 Act. The new provision would require that only the airport, not each specific project, be in the NASP to be eligible for Federal airport development grants.

However, the role of each airport, based upon the levels of public service and the uses made of such airport, would still be identified in the NASP. Prior to approving airport development projects the Secretary would ascertain whether a proposed project is consistent with the airport's role as described in the NASP, but each individual project would not necessarily be required to be included in the NASP.

Finally, in order to develop a design or a plan to meet the goal of a "system of airports adequate to anticipate and meet the needs of civil aeronautics", section 4 of H.R. 9771, as reported, requires the Secretary, in consultation with appropriate State officials and airport sponsors, to prepare and publish a revised NASP by January 1, 1977. The revision would contain estimated costs of needed development sufficiently accurate to be used as a basis for future year apportionments, and to identify the levels of public service and the uses to be made of each public airport in the plan.

These three provisions are designed to produce a National Airport System Plan that would provide greater guidance and direction for future development at the Nation's airports.

PROJECT ELIGIBILITY

The definition of the term "airport development" contained in Section 3 of H.R. 9771, as reported, would expand the scope of eligible airport development projects in order to more adequately meet current and future needs of the airport system.

The bill recognizes that one of the major constraints on the continued development of the Nation's air transportation system is noise generated by aircraft operated in the vicinity of airports.

Presently, under the FAA criteria, land may be acquired for safety purposes. Land may not be acquired, however, merely to alleviate airport community noise problems occurring because noise represents an annoyance or a nuisance.

The noise emanating from airports and its effect on surrounding communities has become increasingly serious. Because of such noise, existing airports are not used to their fullest potential.

To meet state and local noise regulations, to minimize the number of law suits by local residents, to continue safe procedures, and to fully utilize the airport landing area, many operators of major airports have purchased or been required through court decision to purchase interest in land adjacent to the airport.

According to the 1973 *Report of the Aviation Advisory Commission* authorized under the Act of 1970, "Experience indicates that local government and airport authorities can combine to achieve significant success in alleviating noise-exposure problems through land-use control and the redevelopment of incompatible properties. . . . Such programs afford the most direct method of dealing with a heritage of short-sighted community and airport planning and development that threatens the health of key airports in metropolitan areas. Accordingly, land-use conversion programs represent an investment in elements of the national system of airports needed for the remainder of the century."

H.R. 9771, as reported, would permit the Federal government to aid a sponsor in purchasing land, or any interest in land, such as easements, adjacent to the airport to create noise buffer zones. In addition, the purchase of noise suppressing equipment, the construction of physical barriers and landscaping to diminish the effect of aircraft noise would become eligible project items.

A second change in project eligibility involves the airport terminal area. Another major problem facing air transportation is the lack of adequate terminal facilities at many air carrier airports, a most critical deficiency confronting the traveling public. The AOCI/AAAE survey referred to in the section pertaining to Funding indicates that projected "landside" development through fiscal year 1980 accounts for more than one-third of the total system requirements. For the large hub airports, projected "landside" development accounts for 57 percent of the total necessary capital development. Congestion at airport terminals, inadequate baggage facilities and traffic jams within airport boundaries have a dampening effect on the entire system.

Due to concern over increases in delays at airports, the FAA conducted a study on Airport Capacity (published January 1974). The study concluded that the airport landside will become the ultimate source of congestion and restriction to further growth in the early 1980's at nearly all our carrier airports surveyed.

Section 12 of H.R. 9771, as reported, represents a positive response to "landside" development. Nevertheless, terminal area development eligibility for Federal funding would be subject to several restrictions. First, it would be limited to air carrier airports. Second, prior to approval of a terminal-related project, the sponsor must certify that the airport has met all safety and security equipment requirements. Third,

for terminal development, the sponsor could only use funds out of the airport's enplanement apportionment, and no more than 30 percent of such apportionment for any fiscal year. Fourth, allowable terminal development would be limited to the following nonrevenue producing public use areas: baggage claim delivery areas and automated baggage handling equipment; corridors connecting boarding areas and vehicles for the movement of passengers between terminal buildings or between terminal buildings and aircraft; central waiting rooms, rest-rooms, and holding areas; and, foyers and entryways.

With respect to corridors connecting boarding areas, it is contemplated that moving sidewalks such as those employed at Los Angeles International Airport would be eligible for funding. As to vehicles for the movement of passengers, items such as mobile lounges or other vehicles for the movement of persons would be eligible.

Fifth, the Federal share of terminal development projects would be limited to 50%.

The terminal area development provision is retroactive for terminal development carried out between July 1, 1970, and the date of enactment of the provision. Once a sponsor certifies that safety and security equipment requirements were met, enplanement funds would be made available subject to the previously discussed limitations, for the immediate retirement of the principal (not interest) of bonds or other evidence of indebtedness, the proceeds of which were used to pay the cost of eligible terminal development.

A final area of expanded airport development project eligibility concerns the new provision covering the purchase of snow removal equipment. It is contemplated that the Secretary will issue regulations covering sponsor eligibility for such projects.

PROJECT SPONSORSHIP REQUIREMENTS

Section 10 of H.R. 9771, as reported, makes three changes in section 18 of the Airport and Airway Development Act of 1970 relating to project sponsorship.

1. Sponsors, in making decisions to undertake airport development, would be required to consult with air carriers and fixed-base operators using the airport. The term "fixed-base operator" includes those aviation-related businesses with permanent offices and facilities at an airport, such as aircraft distributors and dealers, aircraft rentals, flight training schools, mechanic schools, aviation maintenance, avionics sales and maintenance, aviation schools and businesses providing fueling, services, tiedown and hangar storage. This new provision recognizes the legitimate interest of air carriers and fixed-base operators in development at airports. This provision requires sponsors of air carrier airports to accord fixed base operators the same rights of consultation as air carriers in order that the views of both shall receive full consideration in determining the nature and scope of airport development projects for such airports.

2. Sponsors would be prohibited from engaging in the practice of including funds received under the Federal Airport Act or the Airport and Airway Development Act in their rate base when establishing rates and charges for airport users. Some sponsors have included

the Federal investment in the sponsor's rate base to which annual depreciation is charged. This practice tends to keep airport user charges higher than would be the case if the Federal investment were not used.

3. Sponsors would be prohibited from charging discriminatory rates, fees, rentals, and other charges to airport businesses which make the same or similar uses of such airport utilizing the same or similar facilities.

PROJECT APPROVAL PROCESS

Major criticisms of the administration of the Airport and Airway Development Act of 1970 have focused on excessive red tape and associated delays, and the inability of sponsors to timely plan and arrange for suitable financing for needed airport development.

Careful consideration of the lag between concept and project completion reveals that much "delay" can be attributed to such essentials as environmental consideration of planned projects and the public hearing process. H.R. 9771, as reported, makes no change in the 1970 Act or other Federal statutes which seek to preserve and enhance the Nation's environment. This is not to say that unnecessary delay and undesirable red tape do not exist, but they are for the most part administratively, not statutorily, induced.

There exists a definite need for the FAA to streamline ADAP and planning grant program administration. The FAA has announced a comprehensive program intended to streamline the internal administration of the ADAP program and to greatly simplify procedures for airport sponsors and planning organizations applying for aid.

The Committee intends to continue to monitor and evaluate the effort to streamline procedures in order to insure that unnecessary and wasteful delays are eliminated.

H.R. 9771, as reported, makes several important changes to the existing project application and grant approval process while leaving the present system basically intact.

Perhaps the most serious complaint about the present program is the lack of assurance airport sponsors have that the Federal commitment on a given project will continue beyond the one year grant. Major airport projects cannot be completed within one year, and it is unrealistic to expect sponsors to undertake a multi-year project without firm assurance that the Federal assistance will be continued until the project is completed. To require sponsors to do otherwise forces them to base financial plans and predictions on an uncertain foundation. If the objectives of the program are to be achieved, something beyond a 1 year commitment authority must be given to the Secretary.

Sec. 11 of H.R. 9771, as reported, addresses this problem by allowing the Secretary to approve a single application for a project which may take several years, and thus grant to the sponsor a commitment that the apportionment of future year obligations will be made available to approved multi-year projects. Under this section, approval by the Secretary of a project would commit the Federal Government, subject to availability of funds, to continue the project in future years with the funds entitled to the sponsor under the enplanement formula.

This section, when coupled with section 8 (which states that a project application may contain several projects) would also permit

a sponsor to submit a single project application covering several multi-year projects. Approval by the Secretary would commit the Federal government to fund those several projects over a number of years with the sponsor's entitlement based on the enplanement formula. In addition, the sponsor's application could contain several single-year projects, as well as several multi-year projects, all of which would begin in the fiscal year for which the application is approved. This section, however, does not permit the Secretary to approve projects which would commence in ensuing fiscal years.

Sections 8 and 11 should aid a sponsor in two ways. First, a sponsor who submits an application in Fiscal Year 1976 which includes multi-year projects and receives the Secretary's approval, would be assured of federal financial assistance for such projects through Fiscal Year 1978, subject to apportionments of the enplanement formula moneys in each year.

Second, the law is clarified to specifically permit a sponsor to consolidate all projects for which Federal funds are sought into a single application.

Two other features of the bill would improve a sponsor's ability to plan effectively. Section 7 of H.R. 9771, as reported, would amend section 15 of the 1970 Act to require the Secretary, on or before April 1 of each year, to inform each sponsor, the Governor of each State, and the chief executive officer of the equivalent jurisdictions of the amount of the apportionment to be made on or before October 1 of each year. This provision would allow sponsors of air carrier airports at least six months prior to the beginning of each fiscal year to know the amount of money to be apportioned to each air carrier airport under the enplanement formula. The other feature, discussed in the funding section of this report, relates to the air carrier distribution formula.

Under the 1970 Act, 33% of the air carrier funds were apportioned by the percentage of enplanements at the airport in relation to all enplanements in the country, 33% were apportioned according to the percentage of population and the area of a State in relation to the total population and area in the nation, and 33% were allocated at the Secretary's discretion.

Under this formula only 33% of the funds was actually earmarked for specific airports with the remainder distributed at the Secretary's discretion. In addition, since approximately 67% of the enplanements, occurred at the large hub airports (2 million or more enplanements), most of the funds earmarked on the basis of enplanements were largely allocated to a few airports.

Section 7(d) of H.R. 9771, as amended, specifically earmarks two thirds of the air carrier enplanement funds for eligible airport development at air carrier airports. Thus, sponsors are better able to judge the amounts which would be made available to them and thereby project their plans more effectively.

Additional provisions in the reported bill which materially affect the application and approval process, and which are discussed in other parts of this report, are as follows:

- (1) The sponsor would not be required to have specific projects in the National Airport System Plan in order to receive assistance for that project.

- (2) The Secretary is given authority to approve State construction standards for general aviation airport development in order to simplify procedures for this type of development.

INCREASED STATE ROLE

Section 16 (b) of the Airport and Airway Development Act of 1970 provided that nothing therein authorized the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

There has been a wide variance as to the role individual States played in the grant process. Some States, such as Rhode Island, Alaska and Hawaii, have assumed a high level of responsibility and have been sponsors for airport development projects. Other States have adopted "channeling Acts" which in general require (1) State agency approval of all projects and project applications prior to submittal to FAA, and (2) the State agency to be designated as the sponsor's agent in accepting and disbursing Federal funds. Still other States have not played a significant role, other than carrying out reviews required by Federal requirements.

H.R. 9771, as reported, authorizes the Secretary to delegate a portion of the airport development program to the States, and increases the State role in three important aspects.

First, pursuant to section 4, the Secretary would be required to consult with the appropriate State officials in developing the National Airport System Plan.

Second, section 8 authorizes the Secretary to make grants for not to exceed 75% of the cost of developing standards (other than standards for safety of approaches) for airport development at general aviation airports.

The Secretary may approve such standards and, upon approval, such standards would be applicable in lieu of any comparable federal standards. The approved standards may be revised, from time to time, as the State or Secretary determines necessary, subject to approval of such revisions by the Secretary. The aggregate of all grants made to any State shall not exceed \$25,000. This provision would not relieve the Secretary from the responsibility for developing and enforcing safety requirements.

Third, section 13 authorizes the Secretary, upon determining that a state is capable of managing a demonstration program for general aviation airports in that State, to grant to such State funds apportioned to it under the State area and population formula contained in section 15(a)(4)(A) and any part of the discretionary funds available for general aviation airport development (section 15(a)(4)(c)).

The State officials, in turn, would then make grants to airport sponsors to grants made by the Secretary. The Federal interest would be protected, since the conditions enumerated in sections such as sections 16 and 18 of the Airport and Airway Development Act of 1970 would have to be met by the airport sponsors.

The Secretary would select up to eleven States for the demonstration. He may not initiate any such program after January 1, 1977. The Secretary shall report the results of the demonstration program to Congress by March 31, 1978. This does not mean, however, that the demonstration programs will cease at that time. However, the Secretary is precluded from making a grant to any State after September 30, 1978 for this purpose.

All funds received by a State under this section would go to general aviation airport development, and none of the money could be used to pay costs incurred by the State in administering the program.

The Secretary's option to select up to eleven demonstration States was based on the existence of eleven FAA regions in the United States. It is expected that at least one demonstration program will be approved in each region. However, if no State in a region qualifies and accepts the demonstration program, then the Secretary may select more than a single State in a particular region.

PLANNING GRANT PROGRAM

Under the Airport and Airway Development Act of 1970, up to \$15 million for each fiscal year was made available for airport master plans and system plans. During the five-year program, the FAA approved 949 grants to initiate or continue development of airport master plans at 907 locations. FAA also approved 109 grants to initiate or continue development of system plans.

Two changes in the planning program are made by section 5 of H.R. 9771, as reported. First, the Federal share is increased from 66% to 75%. Second, the present limit under which no more than 7.5% of the planning funds made available in any year could go to one State, would be raised to 10% to allow more flexibility in the issuance of planning grants.

FACILITIES AND EQUIPMENT

This program funds the Federal airway system by the installation of new equipment and the construction and modernization of new facilities needed to keep pace with aeronautical activities.

Section 6 of H.R. 9771, as reported, continues the authorization for facilities and equipment at not less than \$250,000,000 for fiscal years 1976, 1977, and 1978, and not less than \$62,500,000 for the interim period beginning July 1, 1976 and ending September 30, 1976. For the fiscal years 1979 and 1980, the bill establishes the minimum authorization at \$275,000,000. These amounts are clearly justified in view of the additional equipment which projections indicate will be coming on line during that period notably the microwave landing system now in the final stages of development and testing and wind shear detection equipment now under development.

The relative funding levels among major Facilities and Equipment program categories are expected to remain fairly constant during fiscal years 1976-1980, although some subcategories will receive increased emphasis while others will level off or decline.

FAA estimates that control facilities will require 25 percent of available funds; terminal control facilities about 31 percent; and landing

aids approximately 17 percent. Navigation aids, while relatively low in priority in fiscal year 1976, will increase to about 8 percent of available funds during fiscal years 1977 through 1980; flight services approximately 9 percent; and system support will require about 10 percent throughout the period.

Funding for enroute air traffic control facilities will decline in fiscal year 1977 because of reduced requirements for radar equipment, but is expected to resume an upward trend in subsequent fiscal years due largely to the procurement of newly-developed automated equipment.

In the case of terminal area air traffic control facilities, it is expected that funding will increase slightly each year until fiscal year 1978, followed by moderate decreases during subsequent years due largely to reduced procurement of control towers.

Flight services facilities will require a relatively constant funding level during the period or at least until the flight service station modernization program is implemented, at which time substantial outlays will be necessary.

Funding for landing aids and navaids will increase during the period due largely to anticipated procurement of microwave landing systems and other navigation aids commencing in fiscal year 1978. Instrument landing system procurement is expected to show a consequent substantial drop during that year.

SERVICING AIRWAY FACILITIES

The Airport and Airway Development Act of 1970 authorized the balance of moneys available in the Trust Fund, after obligations for airport development and for airway facilities acquisition had been made, to be appropriated to pay "for the maintenance and operation of air navigation facilities."

It was the intent of Congress to improve the airway system through capital investment in necessary facilities and to operate and maintain those facilities through the user tax revenues available in the Trust Fund. However, during the initial two years of the program, the Administration placed a high priority on operation and maintenance of the system at the expense of airport development. In fiscal years 1971 and 1972 the Administration allocated \$1,023,074,000 from the Trust Fund to operate and service the airway facilities system. (Subsequently \$720,279,000 from general funds were reimbursed to the Trust Fund). During the same period, the Administration obligated substantially less for airport development than authorized by the Act. Because of these abuses, Public Law 92-174 was enacted in 1971 to repeal the authority to use Trust Fund moneys for operating and maintaining the system, and these costs have subsequently been funded entirely from general revenues.

However, the authorizing Committee in the House of Representatives indicated in its report (H. Rept. No. 92-459) accompanying the bill that eventually was enacted as Public Law 92-174 that "it may be appropriate to reconsider whether authority to employ user Trust Funds for maintenance and operational expenses should be restored." The report suggested that this would be in order after the submission by the Secretary of a study evaluating costs and allocation. This report reached the Congress September 1973.

In the fiscal year 1976 Administration budget, \$431 million out of the Trust Fund was requested to maintain airway facilities, thus shifting part of the burden back to the users of the system. This request included \$30.9 million for general stocks and stores, \$57.4 million for airway facility leased communications, and \$342.78 million for field maintenance, engineering, evaluation and related salaries required to maintain the system.

After careful consideration of the original intent of Congress, the abuse by the Administration, the close relationship between acquiring and servicing airway facilities, the increasing burden on the general taxpayer, and the sufficiency of funds in the Trust Fund, it was decided to authorize the use of Trust Fund revenues for 1) costs of services provided under international agreements relating to the joint financing of air navigation services which are assessed against the U.S. Government, and 2) the direct costs and administrative expenses of the Secretary incident to servicing airway facilities, excluding the cost of engineering support and planning, direction and evaluation activities.

Sec. 6(e) of H.R. 9771, as reported, authorizes for these purposes, up to \$50 million for fiscal year 1976, \$12.5 million for the interim period, \$75 million for FY 77, \$100 million for FY 1978, \$125 million for FY 1979, and \$150 million for FY 1980. By placing a ceiling on these expenditures, the abuses which occurred in the past should not be repeated.

These funds would be used for the following purposes:

- (1) Servicing of navigation aids, landing systems, towers, radars, and similar air navigation facilities (excluding the cost of engineering support and planning, direction, and evaluation activities);
- (2) Leased communications (telecommunications, telephone lines, etc.);
- (3) Supply support (general stocks and stores to support facility maintenance).

In addition, section 6 authorizes the use of Trust Fund moneys to cover the costs of services provided under international agreements relating to the joint financing of air navigation services which are assessed against the United States Government.

This item relates to navigational facilities located in Greenland and Iceland that are operated under international agreements. Under the agreements, 40 percent of the cost of operating these facilities is recovered through user charges from the North Atlantic air carriers and other air traffic. The remaining 60 percent of the cost is supplied by the contracting governments. At the present time, the United States' share is 38 percent of the 60 percent and amounts to approximately \$2.5 million annually.

MISCELLANEOUS

1. *Restrictions on future obligations.*—Section 14 of the reported bill provides that funds authorized for fiscal years 1979 and 1980 shall not be expended except in accordance with a subsequently enacted statute. This provision would insure congressional review of the entire airport development program before funds were made available for fiscal years 1979 and 1980. With this review undertaken, Congress will have before

it the revised National Airport System Plan which will be submitted by the Secretary on or before January 1, 1977. The review would also allow congressional evaluation of other new programs in the bill, such as assistance for airport terminal development, the ear-marking of funds for commuter airports, the authorization of funds for acquisition of land for environmental purposes, the State general aviation demonstration program, and the special airport study.

2. *Air carrier airport designation.*—Section 14 of the reported bill would provide that an airport continue to be designated as an air carrier airport if serving a city at which all CAB certificated service has been replaced by intra-state service with jet aircraft capable of carrying 30 or more passengers. Since the replacement service at a city would be comparable to CAB authorized service, it would be equitable to continue to designate the airport as an air carrier airport.

3. *Airport study.*—Section 16 of the reported bill would require the Secretary of Transportation to complete by January 1, 1977, a study of airports which may be in danger of closing. The study would include identification of existing airports in danger of being converted to non-aviation uses, those which should be preserved in the public interest, and the Secretary's recommendations for preserving them. This study is designed to meet the growing problem of airport closings, particularly near urban areas.

4. *Civil aviation information distribution program.*—Over the years, the Federal Aviation Administration has developed a wealth of informational materials and expertise on all aspects of civil aviation.

In order to strengthen this aspect of the role of the FAA in promoting civil aviation, section 17 of H.R. 9771, as reported, directs the Secretary, acting through the Administrator of the Federal Aviation Administration, to establish a civil aviation information distribution program within each FAA region. It is contemplated that such a program can be accommodated within available resources inasmuch as the informational materials and expertise are already available.

It is expected that the program will be designed so as to provide officials of education and civic organizations with informational materials and expertise on various aspects of civil aviation as one means of promoting broader understanding of aviation as a transportation mode of growing importance in our total, integrated transportation system. It seems evident that the role of aviation can play in meeting our transportation needs in the years to come is not now sufficiently understood, nor are the resources available to us readily accessible to the public and private educational community and to civic leaders.

This provision of the bill is intended to place greater emphasis on increasing the general public's knowledge of the dynamics of aviation and the key role air transportation plays in improving the economic and social life of all Americans.

Further, every effort must be made to acquaint the young people with the full potential of finding careers in air transportation systems and general aviation as well as broadening their perspective of how aviation and our transportation systems can bring about a more balanced population pattern and an improved quality of life.

The disappearance of airports and the lack of understanding by the public generally, has inhibited our ability to plan, design and construct

the type of integrated and environmentally acceptable airport system desired and needed.

The mounting attacks on airport facilities have made it all too clear that too few of our citizens are well enough informed about aviation and aerospace to understand the full implications and potential they do and will contribute to the economy of our nation and our expanding trade relations with the countries of the world.

The FAA should vigorously pursue this program in conjunction with established aviation and aerospace programs of a similar nature being conducted under non-governmental auspices.

5. *Prohibition of flight service station closures.*—The Federal Aviation Administration has developed a program to modernize and consolidate the flight service station system (a network of manned stations which supply flight assistance services, primarily to general aviation aircraft) in order to provide improved service to airmen at reasonable cost to the government.

The main thrust of the program will be to automate the system to a substantial degree through the use of strategically placed computers. Most flight service stations would become unmanned terminals of the computers from which pilots could obtain the type of information they do today from manned flight service stations. A key element in the program is the prospect that escalating personnel costs will be reduced substantially in the years to come as the system is automated.

It has been alleged that in recent years, the FAA has sought to close numerous flight service stations before being in a position to provide service to airmen with automated equipment. In order to prevent such occurrences to the detriment of air safety, section 18 of the reported bill prohibits the Secretary from closing or operating by remote control any existing flight service station operated by the FAA. Exception is made for part-time operation by remote control during low-activity periods and in not more than one air route traffic control center area, at the discretion of the Secretary, not more than five flight service stations may be closed or operated by remote control from such air route traffic control center for the purpose of demonstrating the quality and effectiveness of service at a consolidated flight service station facility.

6. *Demonstration project.*—Section 19 of the bill, as reported, authorizes a demonstration project to combine airport development and mass transportation under the Urban Mass Transportation Act of 1964. The airport selected for a demonstration project is the Oakland International Airport which has a strong need for improved ground access. The number of annual air passengers at Oakland is expected to grow from 2.4 million passengers annually in 1975 to a range of 7-8 million by 1985 and 19-24 million by 1995. Highway congestion in the vicinity of the airport is severe, and major additions to the regional highway system serving the airport are not planned. The Bay Area Rapid Transit (BART) system passes within 3.5 miles of the Oakland Airport. The reported bill would authorize Federal support of a demonstration ground transportation project to connect the existing BART system to the Oakland Airport with 80% Federal funding and an authorization for appropriations out of the general fund not to exceed \$72 million.

7. *Logan International Airport.*—Section 20 provides that no airport development project for Logan International Airport at Boston, Massachusetts shall be approved unless the Governor of Massachusetts certifies that the project is reasonably consistent with local, regional and statewide planning for the area surrounding the airport. This provision is designed to meet unique problems which have arisen in connection with development of Logan.

Logan is one of the few major airports in the country which is located in the urban core of the area it serves. It is unique in that the residential areas it affects predate the airport's own beginnings—in many cases by several generations—for Logan is built largely on filled land at the edge of Boston Harbor.

The jet age created severe noise impact on surrounding residential communities. Growth and development of the airport have created great pressure for the taking of residences, businesses and recreation space. Ever-growing air passenger travel has led to tunnel and expressway construction and continuing pressure for more ground transportation facilities. Furthermore, there is a renewed emphasis on modernizing and developing adjacent land for Boston's seaport.

These many pressures have come at a time of reexamination of highway and transit policy for the Boston area and the development of air quality control plans.

The Governor of Massachusetts and his State transportation officials have had a key role in determining the highway and transit policies and programs for the Boston area under the Federal highway and transit legislation. This is especially appropriate in Boston's case because it is the dominant urban area of Massachusetts and its future has a statewide impact.

However, under existing Federal law for airport development, the Governor has played no such role in the development of Logan International Airport. The purpose of section 20 is to accord to the Governor of Massachusetts a proper role in the coordinating the development of Logan with that of other transportation facilities, the abatement of environmental impact and the implementation of a balanced state transportation policy. For this reason the amendment provides that no airport layout plan or airport development project could be approved by the Federal government unless the Governor of Massachusetts certified that such plan or project is reasonably consistent with local, regional and statewide planning for the area surrounding Logan Airport.

8. *New airport development for the Greater St. Louis, Mo., Area.*—A difficult situation has arisen in connection with the selection of a site for a second air carrier airport to serve the metropolitan area of St. Louis, Missouri.

Several years ago, the State of Illinois and certain officials of the City of St. Louis proposed that such a new airport be located in Illinois. A grant application has been submitted to the Federal Aviation Administration under the Planning Grant Program, but no action has been taken on this application to date.

Missouri State and local officials oppose the proposal for an Illinois site suggesting that the existing air carrier airport (Lambert Field) is adequate until 1995 and that a site in Missouri should be selected for a new airport when required.

Section 21 of the reported bill requires certification by the Governors of both Missouri and Illinois that any airport layout plan or airport development project for a new air carrier airport to serve the St. Louis area is reasonably consistent with local, regional, and statewide planning for the area surrounding such airport. Such certification is imposed as a condition of approval by the Secretary of Transportation of any such plan or project until September 30, 1978.

It is anticipated that this provision will provide a period of time—until September 30, 1978—in which the two States and the involved local governmental bodies will have an opportunity to work together and jointly resolve the location of a new airport, if it is determined that one is needed.

9. *Compensation for required security measures in foreign air transportation.*—Section 22 of the bill, as reported, would authorize the Secretary to reimburse U.S. air carriers for expenses incurred in the preflight screening of international passengers as required by the Air Transportation Security Act of 1974. That Act requires the airlines to undertake security procedures for protection of passengers. The cost of these procedures has been approximately \$70,000,000 a year.

For domestic operations, the carriers have been reimbursed for security procedures by inclusion of a security charge in the fares approved by the CAB. Internationally, such charges have not been feasible. Foreign carriers have been unwilling to include security charges in the fares negotiated in the International Air Transportation Association because in many cases the foreign carrier's government has been providing security measures at no expense to the carrier. United States carriers would be at a considerable competitive disadvantage if they raised their international fares unilaterally to cover security costs.

The bill authorizes appropriations from the Airport and Airway Trust Fund of \$3,000,000 a year for the three fiscal years of 1976, 1977 and 1978 (and \$750,000 for the interim fiscal period) for reimbursement of security expenses for international passengers.

Reimbursement is intended to apply only to unreimbursed security expenses. If international fares are increased to specifically cover security charges, reimbursement under the provisions of section 22 would not be appropriate.

The amount of reimbursement to each carrier would be reduced by the amount by which domestic security charges exceed expenses.

RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES

Under House Resolution 988 of the 93rd Congress, the Committee Reform Amendments of 1974, jurisdiction over aviation research and development was assigned to the Committee on Science and Technology. The Subcommittee on Aviation and Transportation Research and Development of that Committee conducted hearings and reported legislation providing for the authorization of Federal Aviation Administration research, development, and demonstration activities for fiscal year 1976 and for the three-month transition quarter commencing July 1, 1976.

At the request of the Chairman of that Committee, it has been incorporated into H.R. 9771 as Title II. The explanation and justifica-

tion of this title appearing hereafter is derived from that Committee's prepared draft report.

A copy of the letter from the Chairman of the Committee on Science and Technology follows:

COMMITTEE ON SCIENCE AND TECHNOLOGY,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 17, 1975.

HON. ROBERT E. JONES,
Chairman, Committee on Public Works and Transportation, U.S.
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Committee on Science and Technology has today approved a proposed Title II to the Airport and Airway Development Act Amendments of 1975. It is my understanding that your Committee on Public Works and Transportation is presently preparing legislation to extend and amend the Airport and Airway Development Act of 1970 which expires this month. I further understand the action we are taking is in accordance with agreement between the Chairman of your Aviation Subcommittee and the Chairman of my Aviation and Transportation R&D Subcommittee. The staffs of our respective committees have also coordinated the progress of the subject matter.

Our proposed Title II and Committee Report are attached, and it is requested that Title II be included in your legislation when presented to the House for action.

Sincerely,

OLIN E. TEAGUE, *Chairman.*

The purpose of Title II is to authorize appropriations from the Airport and Airway Development Act Trust Fund to the Federal Aviation Administration for fiscal year 1976, and the transition quarter as follows:

Program	AUTHORIZATION	
	Fiscal year 1976	Transition period
Air traffic control	\$57,464,000	\$13,920,000
Navigation	20,460,000	8,100,000
Aviation weather	1,576,000	550,000
Aviation medicine	900,000	130,000
Demonstration projects	5,000,000	1,250,000
Total	85,400,000	23,950,000

Title II incorporates three basic changes into the existing Airport and Airway Development Act.

Authorization for demonstration projects is included in the section concerning authorization for research and development.

The Administration request of \$2.5 million for demonstration projects is increased by \$2.5 million for a total of \$5.0 million.

Effective in fiscal year 1976, annual authorization will be required for Trust Fund expenditures in lieu of a five-year authorization cycle. The amount authorized to be appropriated from the Trust Fund for

research, development, and demonstration for fiscal year 1976 is \$85,400,000 and for the interim period the amount is \$23,950,000.

The Science and Technology Committee combined authorization for demonstration projects with authorization for research and development in order that all funding of a general research and development nature emanating from the Trust Fund would be traceable to one common provision of the statute.

The Administration proposed that the Secretary of Transportation be authorized to make grants from the discretionary fund to public agencies for airport development to test airport configuration and construction in an amount up to 100 per centum of such project costs. The Science and Technology Committee agreed with this concept and recommended that such testing, demonstration, and evaluation should be incorporated with the normal research, development and demonstration activities of the FAA. It felt that such a policy should facilitate and expedite the implementation of beneficial advanced technology into the aviation system in the public interest. Candidate projects for this type of demonstration would be at the discretion of the Secretary.

The Science and Technology Committee strongly recommended the introduction of the annual authorization process for the research and development activities of the Federal Aviation Administration. Its experience with the annual authorization approach in reviewing NASA's program and budget requests provided it with convincing evidence of the need for detailed annual reviews of programs as well as budgets. The Committee believes that to meet its new responsibility over civil aviation research and development in an effective manner, the FAA and NASA aviation research and development programs and budgets require a comprehensive and unified examination. It states that all of the testimony taken during the recent hearings supported detailed annual program reviews of the FAA research and development program; however, not all supported the annual authorization concept. That Committee intends to carry out the recommended program reviews, but strongly believes they should be part of an annual authorization process. It believes this will better insure effective use of resources and facilities and improve responsiveness of the FAA's research and development activities to meeting national needs.

The Science and Technology Committee determined that a vigorous oversight of FAA research and development programs should be instituted. It feels this will not only serve the national interest by examining federal expenditures more closely, but will serve as an educational process for the committee members as the committee embarks upon its new jurisdiction. That Committee also believes that there is a need for greater visibility of FAA research and development programs and for greater participation from persons and institutions outside of the Federal Aviation Administration. This need was also recognized in the recent report of a task force established by the Secretary of Transportation which suggested creating a FAA advisory committee. The Committee on Science and Technology, in response to this report and testimony overwhelmingly in favor of such an advisory group, strongly urges the establishment of an advisory committee in the FAA which would be similar in general concept to that of the NASA Research and Technical Advisory Committee. A recurrent

theme in the testimony taken during recent hearings was that the formal consultation process between the FAA, industry, various associations, and public interest groups could be improved.

ACTIVITIES AUTHORIZED

Following is a description of the research, development, and demonstration activities which Title II would authorize during Fiscal Year 1976 and the transition quarter.

<i>Air traffic control</i>	
Fiscal year 1976.....	\$57, 464, 000
Transition quarter.....	13, 920, 000

The present air traffic control system has evolved through a series of generations. These generations consist of time periods when specific types of equipment and techniques were employed for control purposes. At a point in time when significantly improved equipment and techniques were introduced, a new generation was considered to have begun. To date, three generations of air traffic control have evolved. Engineering and development programs underway today are aimed at upgrading the current third generation air traffic control system. The fourth generation, also known as the "Advanced Air Traffic Management System" and focused at the year 2000 and beyond, is presently under study by the Department of Transportation.

<i>Navigation</i>	
Fiscal year 1976.....	\$20, 460, 000
Transition quarter.....	8, 100, 000

The Navigation Program addresses the improvement of terminal and in-route navigation systems which can meet the requirements of higher accuracy, greater capacity, and better operational flexibility. Of current concern are those activities required to upgrade system performance, but which require either an airborne system change or development of major subsystems or components. In order to fulfill the requirements of this program, it is necessary to develop an accurate aircraft positional measurement capability and a data acquisition/reduction package. The primary purpose of these will be to evaluate the present VORTAC system (very high frequency visual omni-range with distance measuring equipment for navigation purposes) and determine its capability and potential in satisfying future requirements. The development of improved precision navigation aids which require flight test and evaluation in an operational environment also supports the need for this research and development tool.

<i>Aviation weather</i>	
Fiscal year 1976.....	\$1, 576, 000
Transition quarter.....	550, 000

This program involves efforts to improve present methods of measuring visibility and ceiling information provided to the pilot and controller. These efforts include development and testing of data acquisition devices to measure very low visibilities as well as other horizontal and slant range visibilities. Development of methods to provide both wind shear data and representative wind information for aviation use are included as well as the development and testing

of automatic and/or semi-automatic weather stations to relieve the workload of the specialists at those stations which require official aviation weather observations.

The program includes efforts to improve the forecasting of severe weather, ceiling, visibility, and other weather elements which are critical to aviation operations.

This program also includes development and testing of techniques to provide the air traffic control specialist with hazardous weather data on his display for use in providing advisory services as well as in carrying out severe weather avoidance procedures.

Aviation medicine

Fiscal year 1976.....	\$900,000
Transition quarter.....	130,000

This program is concerned with the health and working environment of air traffic controllers. Physical and psychological examinations are given to air traffic controllers in order to help determine their suitability to perform air traffic control functions. In addition to aiding in the selection process, such examinations are used as an aid in determining interest patterns of controllers so as to aid in the placement process.

Other studies are underway to help understand the impact of controller shift rotation and stress associated with performing air traffic control duties.

Demonstration projects

Fiscal year 1976.....	\$5,000,000
Transition quarter.....	1,250,000

These projects include testing, demonstration and evaluation under airport operational conditions. For example, such projects could include testing of different types of runway grooving different widths and different depths—so as to provide data under various operating conditions. Other projects worthy of consideration are evaluation of blast fence configuration or other shielding devices in operating areas of the airport and the collection and evaluation of data on different construction and paving techniques. The data to be collected from such projects is needed for the formulation of airport standards and will be useful in airport-related research and development programs.

COMPLIANCE WITH CLAUSE 2(1) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) With reference to Clause 2(1)(3)(A) of Rule XI of the Rules of the House of Representatives, no separate hearings were held on the subject matter of this legislation by the Subcommittee on Investigations and Review, however, the Subcommittee on Aviation held hearings on this subject matter which resulted in Title I of the reported bill. In addition, the Subcommittee on Aviation and Transportation Research and Development of the Committee on Science and Technology held hearings which resulted in Title II of the reported bill.

(2) With respect to Clause 2(1)(3)(C) of the Rules of the House of Representatives, the Committee has not received an estimate and com-

parison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act.

(3) With respect to Clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject matter.

(4) With reference to Clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the following information is provided:

H.R. 9771, as reported, authorizes a continuation of funding of airport and airway development and related purposes for the fiscal years 1976 through 1980 in an aggregate amount of \$4,688,625,000 for the entire period—all from the Airport and Airway Trust Fund. In addition, \$72,000,000 is authorized from the General Fund to undertake a demonstration project related to ground transportation services to the Oakland International Airport, California.

Under the bill, most public airports owned by public agencies throughout the United States will be eligible for airport development grants. Another major provision of the bill will entail the procurement of a variety of air navigation and air traffic control equipment. Federal expenditures for these and related purposes may be expected to have salutary effects on our ailing economy—notably in the construction and electronics industries—but the fact that the programs authorized by this legislation have been in operation since 1970 suggest that no undue economic dislocations will ensue upon its enactment.

Accordingly, the Committee has determined that the enactment of this legislation will not have an inflationary impact on prices and costs in the operation of the national economy.

COST OF LEGISLATION

In accordance with Rule XIII(7) of the Rules of the House of Representatives, the following information is furnished on the cost to the United States in carrying out H.R. 9771 in Fiscal Year 1976 and in each of the five following fiscal years. It is not possible at this time to predict the actual outlays during this period. Accordingly, the estimate which has been prepared by the Committee is based on the total amount of authorizations contained in H.R. 9771, as reported.

Fiscal year 1976.....	\$928,675,000
July 1-September 30, 1976.....	215,950,000
Fiscal year 1977 ¹	818,000,000
Fiscal year 1978 ¹	868,000,000
Fiscal year 1979 ¹	940,000,000
Fiscal year 1980 ¹	990,000,000
Fiscal year 1981.....	0

Total	4,760,625,000
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The Committee wishes to point out that the estimate for Fiscal Year 1976 includes an authorization from the General Fund of not to exceed \$72,000,000 to undertake a demonstration project related to ground transportation services to the Oakland International Airport, California. Since it is impossible to estimate the time and rate at which this amount will be expended, it has simply been included in the total estimate for Fiscal Year 1976. All other authorizations in the legislation are from the Airport and Airway Trust Fund.

It should also be noted that section 30 of the bill imposes a restriction on obligations for fiscal years 1979 and 1980 by stipulating that "no part of any of the funds authorized, or authorized to be obligated, for the fiscal years 1979 and 1980 shall be obligated or otherwise expended except in accordance with a statute enacted after the date of enactment of this section."

VOTE

The Committee ordered the bill reported by voice vote.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

AN ACT To provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

PART I—SHORT TITLE, ETC.

SECTION 1. SHORT TITLE

This title may be cited as the "Airport and Airway Development Act of 1970".

SEC. 2. DECLARATION OF POLICY

The Congress hereby finds and declares—

That the Nation's airport and airway system is inadequate to meet the current and projected growth in aviation.

That substantial expansion and improvement of the airport and airway system is required to meet the demands of interstate commerce, the postal service, and the national defense.

That the annual obligational authority during the period July 1, 1970, through ~~June~~ *September* 30, 1980, for the acquisition, establishment, and improvement of air navigational facilities under the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.), should be no less than \$250,000,000.

[That the obligational authority during the period July 1, 1970, through June 30, 1980, for airport assistance under this title should be \$2,500,000,000.]

SEC. 3. NATIONAL TRANSPORTATION POLICY

(a) FORMULATION OF POLICY.—Within one year after the date of enactment of this title, the Secretary of Transportation shall formulate and recommend to the Congress for approval a national transportation

policy. In the formulation of such policy, the Secretary shall take into consideration, among other things—

(1) the coordinated development and improvement of all modes of transportation, together with the priority which shall be assigned to the development and improvement of each mode of transportation; and

(2) the coordination of recommendations made under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

(b) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress on the implementation of the national transportation policy formulated under subsection (a) of this section. Such report, shall include the specific actions taken by the Secretary with respect to (1) the coordination of the development and improvement of all modes of transportation, (2) the establishment of priorities with respect to the development and improvement of each mode of transportation, and (3) the coordination of recommendations under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

SEC. 4. COST ALLOCATION STUDY

The Secretary of Transportation shall conduct a study respecting the appropriate method for allocating the cost of the airport and airway system among the various users, and shall identify the cost to the Federal Government that should appropriately be charged to the system and the value to be assigned to any general public benefit, including military, which may be determined to exist. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this title.

PART II—AIRPORT AND AIRWAY DEVELOPMENT

SEC. 11. DEFINITIONS

As used in this part—

(1) "Air carrier airport" means an existing public airport regularly served, or a new public airport which the Secretary determines will be regularly served by an air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (other than a supplemental air carrier).

[(1)] (2) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

[(2)] (3) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, location, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and including

safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport, **[(and (B)]** *and including snow removal equipment, and including the purchase of noise suppressing equipment, the construction of physical barriers, and landscaping for the purpose of diminishing the effect of aircraft noise on any area adjacent to a public airport,* (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards, and (C) any acquisition of land or of any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport.

[(3)](4) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

[(4)](5) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, including the potential use and development of land surrounding an actual or potential airport site, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

[(5)](6) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, developing of estimates of systemwide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(7) "Commuter service airport" means a general aviation airport which is served by one or more air carriers operating under exemption granted by the Civil Aeronautics Board from section 401(a) of the Federal Aviation Act of 1958 at which not less than one thousand five hundred passengers were enplaned in the aggregate by all such air carriers from such airport during the preceding calendar year.

(8) "General aviation airport" means a public airport which is not an air carrier airport.

[(6)](9) "Landing area" means that area used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft.

[(7)](10) "Government aircraft" means aircraft owned and operated by the United States.

[(8)](11) "Planning agency" means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam) or political subdivisions concerned to engage in areawide planning for the areas in which assistance under this part is to be used.

[(9)](12) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

[(10)](13) "Project costs" means any costs involved in accomplishing a project.

[(11)](14) "Public agency" means a State, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or Guam or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

[(12)](15) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(16) "Reliever airport" means a general aviation airport designated by the Secretary as having the primary function of relieving congestion at an air carrier airport by diverting from such airport general aviation traffic.

[(13)](17) "Secretary" means the Secretary of Transportation.

[(14)](18) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this part, an application for financial assistance.

[(15)](19) "State" means a State of the United States or the District of Columbia.

[(16)](20) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

[(17)](21) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 16 of this part which is to be paid from funds made available for the purposes of this part.

SEC. 12. NATIONAL AIRPORT SYSTEM PLAN

(a) FORMULATION OF PLAN.—The Secretary is directed to prepare and publish, within three years after the date of enactment of this part, and thereafter to review and revise as necessary, a national airport system plan for the development of public airports in the United States. The plan shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of airport development eligi-

ble for Federal aid under section 14 of this part, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes or categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation. *After June 30, 1975, the Secretary shall not include in the national airport system plan any airport which is not eligible for airport development grants under the last two sentences of section 16(a) of this title, except that nothing in this sentence shall require the Secretary to remove from the national airport system plan any airport in such plan on June 30, 1975.*

(b) **CONSIDERATION OF OTHER MODES OF TRANSPORTATION.**—In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

(c) **FEDERAL, STATE, AND OTHER AGENCIES.**—In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, the Department of the Interior regarding conservation and natural resource values, and other Federal agencies, as appropriate; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to insure that the national airport system plan reflects the product of interstate, State, and local airport planning.

(d) **COOPERATION WITH FEDERAL COMMUNICATIONS COMMISSION.**—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(e) **CONSULTATION WITH DEPARTMENT OF DEFENSE.**—The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which military airports and airport facilities will be available for civil use.

(f) **CONSULTATION CONCERNING ENVIRONMENTAL CHANGES.**—In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the National Council on Environmental Quality. The recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the Na-

tional Council on Environmental Quality, with regard to the preservation of environmental quality, shall, to the extent that the Secretary of Transportation determines to be feasible, be incorporated in the national airport system plan.

(g) **COOPERATION WITH THE FEDERAL POWER COMMISSION.**—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(h) **AVIATION ADVISORY COMMISSION.**—

(1) There is established an Aviation Advisory Commission (hereafter in this subsection referred to as the "Commission"). The Commission shall be composed of nine members appointed by the President from private life as follows:

(A) One person to serve as Chairman of the Commission who is specially qualified to serve as Chairman by virtue of his education, training, or experience.

(B) Eight persons who are specially qualified to serve on such Commission from among representatives of the commercial air carriers, general aviation, aircraft manufacturers, airport sponsors, State aeronautics agencies, and three major organizations concerned with conservation or regional planning.

Not more than five members of the Commission shall be from the same political party. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations. Five members shall constitute a quorum.

(2) It shall be the duty of the Commission—

(A) to formulate recommendations concerning the long-range needs of aviation, including but not limited to, future airport requirements and the national airport system plan described in subsection (a) of this section, and recommendations concerning surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan;

(B) to facilitate consideration of other modes of transportation and cooperation with other agencies and community and industry groups as provided in subsections (b) through (g) of this section.

In carrying out its duties under this subsection, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this subsection, from Federal agencies, and from such other organizations and agencies as the Commission considers appropriate.

(3) Each member of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the President, but not exceeding \$100 per day, including travel time; and, while so serving away from his home or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(4) (A) The Commission is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

(B) The Commission is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed \$100 per diem.

(C) Administrative services shall be provided the Commission by the General Services Administration on a reimbursable basis.

(D) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this subsection; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman.

(5) The Commission shall submit to the President and to the Congress, on or before January 1, 1973, a final report containing the recommendations formulated by it under this subsection. The Commission shall cease to exist 60 days after the date of the submission of its final report.

(6) There are authorized to be appropriated from the Airport and Airway Trust Fund such sums, not to exceed \$2,000,000, as may be necessary to carry out the provisions of this subsection.

(i) *REVISED SYSTEM PLAN AND REPORT.*—

(1) *No later than January 1, 1977, the Secretary shall consult with each State and airport sponsor, and, in accordance with this section, prepare and publish a revised national airport system plan for the development of public airports in the United States. Estimated costs contained in such revised plan shall be sufficiently accurate so as to be capable of being used for future year apportionments. In addition to the information required by subsection (a), the revised plan shall include—*

(A) *an identification of the levels of public service and the uses made of each public airport in the plan, and the projected airport development which the Secretary deems necessary to fulfill the levels of service and use of such airports during the succeeding ten-year period; and*

(B) *a listing of the amount of funds expended in each of the fiscal years 1971 through 1975 for terminal area development at each air carrier, commuter, and reliever airport showing separately the amounts expended for nonrevenue producing public use areas of the types specified in section 20(b)(1) of this title, and for other areas.*

(2) *There is authorized to be appropriated out of the Airport and Airway Trust Fund not to exceed \$2,000,000 to carry out this subsection.*

SEC. 13. PLANNING GRANTS

(a) **AUTHORIZATION TO MAKE GRANTS.**—In order to promote the effective location and development of airport and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

(b) **AMOUNT AND [APPORTIONMENT] LIMITATION OF GRANTS.**—The award of grants under subsection (a) of this section is subject to the following limitation:

(1) The total funds obligated for grants under this section may not exceed [\$75,000,000 and] \$153,750,000, the amount obligated in any one fiscal year may not exceed \$15,000,000, and the amount obligated during the period July 1, 1976, through September 30, 1976, may not exceed \$3,750,000.

(2) No grant under this section may exceed [two-thirds] 75 per centum of the cost incurred in the accomplishment of the project.

(3) No more than [7.5] 10 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

(c) **REGULATIONS; COORDINATION WITH SECRETARY OF HOUSING AND URBAN DEVELOPMENT.**—The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by this section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

SEC. 14. AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

(a) **GENERAL AUTHORITY.**—In order to bring about, in conformity with the national airport system plan, the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized to make grants for airport development by grant agreements with sponsors in aggregate amounts not less than the following:

(1) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board, and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation, \$250,000,000 for each of the fiscal years 1971 through 1973, and \$275,000,000 for each of the fiscal years 1974 and 1975.

(2) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, \$30,000,000 for each of the fiscal years 1971

through 1973, and \$35,000,000 for each of the fiscal years 1974 and 1975.

(3) *For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands air carrier airports, \$385,000,000 for fiscal year 1976, \$96,250,000 for the period July 1, 1976, through September 30, 1976, \$405,000,000 for fiscal year 1977, \$425,000,000 for fiscal year 1978, \$445,000,000 for fiscal year 1979, and \$465,000,000 for fiscal year 1980.*

(4) *For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands general aviation airports, \$65,000,000 for fiscal year 1976, \$16,250,000 for the period July 1, 1976, through September 30, 1976, \$70,000,000 for fiscal year 1977, \$75,000,000 for fiscal year 1978, \$80,000,000 for fiscal year 1979, and \$85,000,000 for fiscal year 1980.*

(b) OBLIGATIONAL AUTHORITY.—

(1) To facilitate orderly long-term planning by sponsors, the Secretary is authorized, effective on the date of enactment of this title, to incur obligations to make grants for airport development from funds made available under this part for the fiscal year ending June 30, 1971, and the succeeding four fiscal years in a total amount not to exceed \$1,460,000,000. No obligation shall be incurred under this [subsection] paragraph for a period of more than three fiscal years and no such obligation shall be incurred after June 30, 1975. The Secretary shall not incur more than one obligation under this [subsection] paragraph with respect to any single project for airport development. Obligations incurred under this [subsection] paragraph shall not be liquidated in an aggregate amount exceeding \$280,000,000 prior to June 30, 1971, an aggregate amount exceeding \$560,000,000 prior to June 30, 1972, an aggregate amount exceeding \$840,000,000 prior to June 30, 1973, an aggregate amount exceeding \$1,150,000,000 prior to June 30, 1974, and an aggregate amount exceeding \$1,460,000,000 prior to June 30, 1975.

(2) *The Secretary is authorized to incur obligations to make grants for airport development from funds made available under paragraphs (3) and (4) of subsection (a) of this section, and such authority shall exist with respect to funds available for the making of grants for any fiscal year or part thereof pursuant to subsection (a) immediately after such funds are apportioned pursuant to section 15(a) of this title. No obligation shall be incurred under this paragraph after September 30, 1980. The Secretary shall not incur more than one obligation under this paragraph with respect to any single project for airport development.*

(c) AIRWAY FACILITIES.—For the purpose of acquiring, establishing, and improving air navigation facilities under section 307(b) of the Federal Aviation Act of 1958, the Secretary is authorized, within the limits established in appropriations Acts, to obligate for expenditure not less than \$250,000,000 for each of the fiscal years 1971 through [1975] 1978, not less than \$62,500,000 for the period July 1, 1976, through September 30, 1976, and not less than \$275,000,000 for each of the fiscal years 1979 and 1980.

[(d) OTHER EXPENSES.—The balance of the moneys available in the trust fund may be allocated for the necessary administrative expenses incident to the administration of programs for which funds are to be allocated as set forth in subsections (a), (b), and (c) of this section, and for research and development activities under section 312(c) (as it relates to safety in air navigation) of the Federal Aviation Act of 1958. The initial \$50,000,000 of any sums appropriated to the trust fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research and development activities.]

(d) RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS.—*The Secretary is authorized to carry out under section 312(c) of the Federal Aviation Act of 1958 such demonstration projects as he determines necessary in connection with research and development activities under such section 312(c). For research, development, and demonstration projects and activities under such section 312(c), there is authorized to be appropriated from the trust fund the amount of \$85,400,000 for the fiscal year 1976 and the amount of \$23,950,000 for the interim period beginning July 1, 1976, and ending September 30, 1976, to remain available until expended. The initial \$50,000,000 of any sums appropriated to the trust fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research, development, and demonstration activities.*

(e) OTHER EXPENSES.—*The balance of the moneys available in the Airport and Airway Trust Fund may be appropriated for (1) the necessary administrative expenses of the Secretary incident to the administration of programs for which funds are authorized in subsections (a) (b), (c), and (d) of this section, (2) costs of services provided under international agreements relating to the joint financing of air navigation services which are assessed against the United States Government, and (3) the direct costs and administrative expenses of the Secretary incident to servicing airway facilities referred to in subsection (c) of this section, excluding the cost of engineering support and planning, direction, and evaluation activities. The amounts appropriated from the Airport and Airway Trust Fund for the purposes of clauses (2) and (3) may not exceed \$50,000,000 for fiscal year 1976, \$12,500,000 for the period July 1, 1976, through September 30, 1976, \$75,000,000 for fiscal year 1977, \$100,000,000 for fiscal year 1978, \$125,000,000 for fiscal year 1979, and \$150,000,000 for fiscal year 1980.*

[(e)] (f) PRESERVATION OF FUNDS AND PRIORITY FOR AIRPORT AND AIRWAY PROGRAMS.—

(1) Notwithstanding any other provision of law to the contrary, no amounts may be appropriated from the trust fund to carry out any program or activity under the Federal Aviation Act of 1958, except programs or activities referred to in [subsections (c) and (d) of this section, as amended] *this section.*

(2) Amounts equal to the minimum amounts authorized for each fiscal year by subsections [(a) and (c)] (a), (c), (d) and the second sentence of subsection (e) of this section shall remain available in the trust fund until appropriated for the purposes described in such subsections.

(3) No amounts transferred to the trust fund by subsection (b) of section 208 of the Airport and Airway Revenue Act of 1970 (relating

to aviation user taxes) may be appropriated for any fiscal year to carry out administrative expenses of the Department of Transportation or of any unit thereof except to the extent authorized by subsection [(d)] (e).

SEC. 15. DISTRIBUTION OF FUNDS; STATE APPORTIONMENT

(a) APPORTIONMENT OF FUNDS.—

(1) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (1) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) One-third to be distributed as follows:

(i) 97 per centum of such one-third for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(ii) 3 per centum of such one-third for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum respectively.

(B) One-third to be distributed to sponsors of airports served by air carriers certified by the Civil Aeronautics Board in the same ratio as the number of passengers enplaned at each airport of the sponsor bears to the total number of passengers enplaned at all such airports.

(C) One-third to be distributed at the discretion of the Secretary.

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) Seventy-three and one-half per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) One and one-half per centum for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(C) Twenty-five per centum to be distributed at the discretion of the Secretary.

(3) As soon as possible after July 1, 1975 and on or before July 1, 1976 (for the interim period), and on or before the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part, the amount made available for that period or year shall be apportioned by the Secretary as follows:

(A) To each sponsor of an air carrier airport served by air carrier aircraft heavier than twelve thousand five hundred pounds maximum certificated gross takeoff weight as follows:

(i) \$6.00 for each of the first fifty thousand passengers enplaned at that airport.

(ii) \$4.00 for each of the next fifty thousand passengers enplaned at that airport.

(iii) \$2.00 for each of the next four hundred thousand passengers enplaned at that airport.

(iv) \$0.50 for each passenger enplaned at that airport over five hundred thousand.

No air carrier airport shall receive less than \$150,000 or more than \$10,000,000 for any fiscal year, or less than \$37,500 or more than \$2,500,000 for the period July 1, 1976, through September 30, 1976, under this subparagraph (A). In no event shall the total amount of all apportionments under this subparagraph (A) for any fiscal year or period exceed two-thirds of the amount authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part for such fiscal year or period. In any case in which an apportionment would be reduced by the preceding sentence, the Secretary shall for such fiscal year or period reduce the apportionment to each sponsor of an air carrier airport proportionately so that such two-thirds amount is achieved.

(B) Any such amount not apportioned under subparagraph (A) shall be distributed at the discretion of the Secretary.

(4) As soon as possible after July 1, 1975, and on or before July 1, 1976 (for the interim period), and on or before the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (4) of section 14(a) of this part, the amount made available for that period or year minus in the case of that period \$6,250,000, and minus in the case of that year \$25,000,000, shall be apportioned by the Secretary as follows:

(A) 75 per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) 1 per centum for the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands to be distributed at the discretion of the Secretary.

(C) 24 per centum to be distributed at the discretion of the Secretary to general aviation airports.

\$6,250,000 of the amount made available for that period or \$25,000,000 of the amount made available for that year, as the case may be, shall be distributed at the discretion of the Secretary to commuter service airports and to reliever airports.

[(3)] (5) Each amount apportioned to a State under paragraph (1) (A) (i) or (2) (A) or (4) (A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the fiscal year immediately following, be available only for approved airport development projects located in that State, or sponsored by that State or some public agency thereof but located in an adjoining State. Each amount apportioned to a sponsor of an airport under paragraph (1) (B) or (3) (A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport devel-

opment projects located at airports sponsored by it. Any amount apportioned as described in this paragraph which has not been obligated by grant agreement at the expiration of the period of time for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

[(4)](6) For the purposes of this section, the term "passengers enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be determined by the Secretary pursuant to such regulations as he shall prescribe.

(b) DISCRETIONARY FUND.—

(1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam as the Secretary considers most appropriate for carrying out the national airport system plan regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam, and the need for or lack of development of airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) of this section, including amounts added to the discretionary fund pursuant to paragraph [(3)](5) of such subsection (a), may be used only in accordance with the purposes for which originally appropriated.

(c) NOTICE OF APPORTIONMENT; DEFINITION OF TERMS.—[Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency which has requested such information, as to the amounts apportioned to each State.] *The Secretary shall inform each sponsor and the Governor of each State, or the chief executive officer of the equivalent jurisdiction, as the case may be, on or before April 1 of each year of the amount of the apportionment to be made on or before October 1 of that year.* As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

SEC. 16. SUBMISSION AND APPROVAL OF PROJECTS FOR AIRPORT DEVELOPMENT

(a) SUBMISSION.—Subject to the provisions of subsection (b) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application for one or more projects, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. [No] *Until July 1, 1975, no project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this part, and all proposed development shall be in accordance with standards established by the Secretary, including*

standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches. *After June 30, 1975, no project application shall propose airport development except in connection with the following airports included in the current revision of the national airport system plan formulated by the Secretary under section 12 of this Act: (1) air carrier airports, (2) commuter service airports, (3) reliever airports, and (4) general aviation airport (A) which are regularly served by aircraft transporting United States mail, or (B) which are regularly used by aircraft of a unit of the Air National Guard or of a Reserve component of the Armed Forces of the United States, or (C) which are regularly used by aircraft engaged in significant business operations, or (D) which are of significant importance to the economic development of a State or region, or (E) which the Secretary determines meet the needs of civil aeronautics. Except as provided in subsection (g), all such proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.*

(b) PUBLIC AGENCIES WHOSE POWERS ARE LIMITED BY STATE LAW.—Nothing in this part shall authorize the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

(c) APPROVAL.—

(1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this part;

(B) sufficient funds are available for that portion of the project costs which are not to be paid by the United States under this part;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this part have been or will be met.

No airport development project may be approved by the Secretary with respect to any airport unless a public agency or the United States or an agency thereof holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 17 of this part and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located.

(4) It is declared to be national policy that airport development projects authorized pursuant to this part shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy, the Secretary shall consult with the Secretaries of the Interior and Health, Education, and Welfare with regard to the effect that any project involving airport location, a major runway extension, or runway location may have on natural resources including, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment, and shall authorize no such project found to have adverse effect unless the Secretary shall render a finding, in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

(d) **HEARINGS.**—

(1) No airport development project involving the location of an airport, an airport runway, or a runway extension may be approved by the Secretary unless the public agency sponsoring the project certifies to the Secretary that there has been afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport location and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

(2) When hearings are held under paragraph (1) of this subsection, the project sponsor shall, when requested by the Secretary, submit a copy of the transcript to the Secretary.

(e) **AIR AND WATER QUALITY.**—

(1) The Secretary shall not approve any project application for a project involving airport location, a major runway extension, or runway location unless the Governor of the State in which such project may be located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved or where such standards have been promulgated by the Secretary of the Interior or the Secretary of Health, Education, and Welfare, certification shall be obtained from the appropriate Secretary. Notice of certification or of refusal to certify shall be provided within sixty days after the project application is received by the Secretary.

(2) The Secretary shall condition approval of any such project application on compliance during construction and operation with applicable air and water quality standards.

(f) **AIRPORT SITE SELECTION.**—

(1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for

such area is consistent with the national airport system plan prepared by the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph. For the purposes of this subsection, the term "metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

(2) In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.

(g) **STATE STANDARDS.**—

(1) *The Secretary is authorized to make grants to any State, upon application therefor, for not to exceed 75 per centum of the cost of developing standards for airport development at general aviation airports in such State, other than standards for safety of approaches. The aggregate of all grants made to any State under this paragraph shall not exceed \$25,000.*

(2) *The Secretary is authorized to approve standards established by a State for airport development at general aviation airports in such State, other than standards for safety of approaches, and upon such approval such State standards shall be the standards applicable to such general aviation airports in lieu of any comparable standard established under subsection (a) of this section. State standards approved under this subsection may be revised, from time to time, as the State or the Secretary determines necessary, subject to approval of such revisions by the Secretary.*

(3) *There is authorized to be appropriated out of the Airport and Airway Trust Fund not to exceed \$1,275,000 to carry out this subsection.*

SEC. 17. UNITED STATES SHARE OF PROJECT COSTS

(a) **GENERAL PROVISION.**—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part [may not exceed]—

[(1) 50 per centum for sponsors whose airports enplane not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

[(2) 75 per centum for sponsors whose airports enplane less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board and for sponsors of general aviation or reliever airports]

(1) may not exceed 50 per centum of the allowable project costs in the case of grants made from funds for fiscal years 1971, 1972, and 1973, and may not exceed 50 per centum for sponsors whose airports enplane not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board, and may not exceed 75 per centum for sponsors whose airports enplane less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board and for sponsors of general aviation or reliever airports, in the case of grants made from funds for fiscal years 1974 and 1975; and

(2) shall be 75 per centum, in the case of grants made from funds for fiscal year 1976, the interim period, and subsequent fiscal years.

(b) **PROJECTS IN PUBLIC LAND STATES.**—In the case of any State containing unappropriated and unreserved public lands and non-taxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area.

(c) **PROJECTS IN THE VIRGIN ISLANDS, AMERICAN SAMOA, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS.**—[The] For fiscal years 1971 through 1975, the United States share payable on account of any approved project for airport development in the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this part.

(d) **LANDING AIDS.**—To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share [shall be not to exceed 82 per centum of the allowable costs thereof] (A) shall be not to exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into before July 1, 1975, (B) shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after July 1, 1975, and before October 1, 1977, and (C) shall be 75 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after October 1, 1977.

(e) **SAFETY CERTIFICATION AND SECURITY EQUIPMENT.**—

(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share [may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971] (A) may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971, and before July 1, 1975, (B) shall be 82 per centum of the allowable cost thereof with respect to

airport development project grant agreements entered into on or after July 1, 1975, and before October 1, 1977, and (C) shall be 75 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after October 1, 1977.

(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share [may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971] (A) may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971, and before July 1, 1975, (B) shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after July 1, 1975, and before October 1, 1977, and (C) shall be 75 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into on or after October 1, 1977.

SEC. 18. PROJECT SPONSORSHIP

(a) **SPONSORSHIP.**—As a condition precedent to his approval of an airport development project under this part, the Secretary shall receive assurances in writing satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft;

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secre-

tary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard system of accounting prescribed by the Secretary after consultation with appropriate public agencies;

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection, *except that (A) no part of the Federal share of an airport development project for which a grant is made under this title or under the Federal Airport Act (49 U.S.C. 1101 et seq.) shall be included in the rate base in establishing fees, rates, and charges for users of that airport, and (B) each civil aeronautics enterprise using such airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other civil aeronautics enterprises which make the same or similar uses of such airport utilizing the same or similar facilities;*

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this part, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this part of the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purposes set forth in paragraph (6) of this [section] subsection.

(b) *CONSULTATION.*—In making decisions to undertake projects under this title, sponsors shall consult with air carriers and fixed-base operators using the airport at which such airport development projects are proposed.

SEC. 19. GRANT AGREEMENTS

Upon approving a project application for airport development, the Secretary, on behalf of the United States shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this part and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this part, and shall stipulate the obligations to be assumed by the sponsor or sponsors. In any case where the Secretary approves an application

for a project which will not be completed in one fiscal year, the offer shall, upon request of the sponsor, provide for the obligation of funds apportioned or to be apportioned to the sponsor pursuant to section 15(a)(3)(A) of this title for such fiscal years (including future fiscal years) as may be necessary to pay the United States share of the cost of such project. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

SEC. 20. PROJECT COSTS

(a) *ALLOWABLE PROJECT COSTS.*—Except as provided in section 21 of this part, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this part, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a necessary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project;

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which would not have been incurred otherwise) which were incurred subsequent to May 13, 1946;

(3) in the opinion of the Secretary it is reasonable in amount, and if the Secretary determines that a project cost is unreasonable in amount, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable; except that in no event may he allow project costs in excess of the definite amount stated in the grant agreement; and

(4) it has not been included in any project authorized under section 13 of this part.

The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

(b) *TERMINAL DEVELOPMENT.*—

(1) *Notwithstanding any other provision of this title, upon certification by the sponsor of any air carrier airport that such airport has,*

on the date of submittal of the project application, all the safety and security equipment required for certification of such airport under section 612 of the Federal Aviation Act of 1958, the Secretary may approve as allowable project costs of a project for airport development at such airport, terminal development in the following nonrevenue producing public use areas:

(A) Baggage claim delivery areas and automated baggage handling equipment.

(B) Corridors connecting boarding areas and vehicles for the movement of passengers between terminal buildings or between terminal buildings and aircraft.

(C) Central waiting rooms, restrooms, and holding areas.

(D) Foyers and entryways.

(2) Only sums apportioned under section 15(a)(3)(A) to the sponsor of an air carrier airport shall be obligated for project costs allowable under paragraph (1) of this subsection in connection with airport development at such airport, and no more than 30 per centum of such sums apportioned for any fiscal year shall be obligated for such costs.

(3) If the sponsor of an air carrier airport at which terminal development was carried out on or after July 1, 1970, and before the date of enactment of this paragraph, submits the certification required under paragraph (1) of this subsection, sums apportioned under section 15(a)(3)(A) to the sponsor of such airport shall only be available, subject to the limitations contained in paragraph (2) of this subsection, for the immediate retirement of the principal of bonds or other evidences of indebtedness the proceeds of which were used for that part of the terminal development the cost of which is allowable under subsection (1) of this subsection.

(4) Notwithstanding section 17, the United States share of project costs allowable under paragraph (1) of this subsection shall be 50 per centum.

(5) The Secretary shall approve project costs allowable under paragraph (1) of this subsection under such terms and conditions as may be necessary to protect the interests of the United States.

[(b)](c) COSTS NOT ALLOWED.—[The] Except as provided in subsection (b) of this section, the following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.

SEC. 21. PAYMENTS UNDER GRANT AGREEMENTS

The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed 90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at

any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

SEC. 22. PERFORMANCE OF CONSTRUCTION WORK

(a) REGULATIONS.—The construction work on any project for airport development approved by the Secretary pursuant to section 16 of this part shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of the regulation.

(b) MINIMUM RATES OF WAGES.—All contracts in excess of \$2,000 for work on projects for airport development approved under this part which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

(c) OTHER PROVISIONS AS TO LABOR.—All contracts for work on projects for airport development approved under this part which involve labor shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed; and (2) that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 App. U.S.C. 511(1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

SEC. 23. USE OF GOVERNMENT-OWNED LANDS

(a) REQUESTS FOR USE.—Subject to the provisions of subsection (c) of this section, whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this part, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport.

The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

(b) **MAKING OF CONVEYANCES.**—Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, the department or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that, at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall at the option of the Secretary, revert to the United States.

(c) **EXEMPTION OF CERTAIN LANDS.**—Unless otherwise specifically provided by law, the provisions of subsections (a) and (b) of this section shall not apply with respect to lands owned or controlled by the United States within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or within any national forest or Indian reservation.

SEC. 24. REPORTS TO CONGRESS

On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this part during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

SEC. 25. FALSE STATEMENTS

Any officer, agent, or employee of the United States, or any officer, agent, or employee of any public agency, or any person, association, firm, or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this part;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this part; or

(3) knowingly makes any false statement or false representation in any report required to be made under this part; shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed \$10,000, or by both.

SEC. 26. ACCESS TO RECORDS

(a) **RECORDKEEPING REQUIREMENTS.**—Each recipient of a grant under this part shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

(b) **AUDIT AND EXAMINATION.**—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to grants received under this part.

(c) **AUDIT REPORTS.**—In any case in which an independent audit is made of the accounts of a recipient of a grant under this part relating to the disposition of the proceeds of such grant or relating to the plan or program in connection with which the grant was given or used, the recipient shall file a certified copy of such audit with the Comptroller General of the United States not later than six months following the close of the fiscal year for which the audit was made. On or before January 3 of each year the Comptroller General shall make a report to the Congress describing the results of each audit conducted or reviewed by him under this section during the preceding fiscal year. The Comptroller General shall prescribe such regulations as he may deem necessary to carry out the provisions of this subsection.

(d) **WITHHOLDING INFORMATION.**—Nothing in this section shall authorize the withholding of information by the Secretary or the Comptroller General of the United States, or any officer or employee under the control of either of them, from the duly authorized committees of the Congress.

SEC. 27. GENERAL POWERS

The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this part, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this part.

SEC. 28. STATE DEMONSTRATION PROGRAMS

(a) **DEMONSTRATION PROGRAMS.**—If the Secretary determines that a State is capable of managing a demonstration program for general aviation airports in that State, he is authorized to grant to such State funds apportioned to it under section 15(a)(4)(A) and any part of the discretionary funds available under section 15(a)(4)(C). Such a grant shall be made on the condition that such State will grant such funds to airport sponsors in the same manner and subject to the same conditions as would grants made to such sponsors by the Secretary under this title.

(b) *RESTRICTIONS.*—The Secretary shall not, pursuant to this section—

- (1) make grants to more than eleven States;
- (2) initiate any demonstration program after January 1, 1977;

and

- (3) make a grant to any State after September 30, 1978.

(c) *REPORT.*—The Secretary shall report to Congress the results of demonstration programs under this section not later than March 31, 1978.

SEC. 29. AIR CARRIER AIRPORT DESIGNATION

Notwithstanding any other provision of this title, in the case of any airport at which (A) an air carrier is certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) to serve a city served through such airport, and (B) service to such city by all such certificated air carriers has been suspended as authorized by the Civil Aeronautics Board, and (C) such airport is served by an intrastate air carrier operating in intrastate air transportation within the meaning of sections 101(22) and 101(23) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), such airport shall be deemed to be an air carrier airport for the purposes of this title.

SEC. 30. RESTRICTION ON FUTURE OBLIGATIONS

Notwithstanding any other provision of this title, no part of any of the funds authorized, or authorized to be obligated, for the fiscal years 1979 and 1980 shall be obligated or otherwise expended except in accordance with a statute enacted after the date of enactment of this section.

SECTION 303 OF THE FEDERAL AVIATION ACT OF 1958

ADMINISTRATION OF THE AGENCY

AUTHORIZATION OF EXPENDITURES AND TRAVEL

SEC. 303. (a) ***

* * * * *

NEGOTIATION OF PURCHASES AND CONTRACTS

(e) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property. The Secretary shall, at the beginning of each fiscal year, report to the Committee on [Interstate and Foreign Commerce] *Public Works and Transportation* of the House of Representatives and the Committee on Commerce of the Senate all transactions negotiated under this subsection during the preceding fiscal year.

ADDITIONAL VIEWS OF REPRESENTATIVES ABZUG, STANTON, STUDDS, MINETA, NOWAK, EDGAR, AND MYERS

In March, 1971, after prolonged debate, the House killed the American SST program for a variety of reasons. At that time, many Members believed that the House had made it clear to proponents of the SST program that risks associated with the development and use of the SST were unacceptable to the American people. Recently, however, the Federal Aviation Administration gave tentative approval to the operation of the British-French Concorde SST into the United States by allowing daily flights from Paris and London into Kennedy International Airport and Dulles International.

We oppose that approval and offered an amendment in committee which would bar funding under this Act to any airport which permits the landing, except for emergency purposes, of any civil supersonic aircraft engaged in scheduled or non-scheduled commercial service, unless such aircraft meet the noise standards established by the FAA in Federal Aviation Regulation (FAR) 36. We intend to offer this amendment again on the House floor.

In 1968, the Congress committed itself to a policy of reducing aircraft noise in this country by passing P.L. 90-411. This commitment was reaffirmed by the Congress in enacting the Noise Control Act of 1972, which states that it is "the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health and welfare." We should work to enforce this noise control policy when authorizing funds which will benefit airports.

Pursuant to P.L. 90-411, the FAA promulgated FAR Regulation 36 which requires American subsonic aircraft to meet a noise standard of 108PNdB (decibels). American aircraft are moving toward achievement of the standard embodied in FAR 36. The British-French Concorde SST, however, generates completely unacceptable noise levels which far exceed FAR 36. Moreover, the SST cannot be equipped with materials which would allow it to comply with this standard. Congress can, and should, take this opportunity to express its will once again on this issue by prohibiting the granting of Federal airport development funds to any facility which permits the operation of aircraft that exceed this noise level. No airport will find it financially advisable to sacrifice the funds granted under this Act for the small revenue generated by SST operations.

The FAA's Draft Environmental Impact Statement on the Concorde acknowledges that its "low frequency noise level will be five times greater than that produced by conventional airplanes." Moreover, the President's Council on Environmental Quality, commenting on FAA's Draft EIS noted that "what is not stated (in FAA's Draft EIS) is that when the outdoor noise difference between Concorde and conventional airplanes is added to the indoor noise difference, the Concorde is approximately twice as noisy as the conventional plane to the indoor listener."

It will be argued that we are overly alarmed about the effects of only the six daily SST flights at the two airports which are immediately contemplated. What, however, is to prevent further flight authorizations? If six flights are permissible, why not 60? If Kennedy is a suitable landing site, why not other airports? If the British and French Concorde SSTs can enter the U.S., why not SSTs from the airlines of other nations? In short, cracks widen into breaches; exceptions to a standard become an abnegation of the standard. Clearly additional flights can and will be authorized unless action is taken to stop them.

We are also extremely concerned about the possible danger which a fleet of SSTs would pose to our atmosphere and ozone layer if they are permitted to operate in the United States. This concern has been crystallized by several recent studies. The prestigious National Academy of Sciences has estimated that:

Production of (only) 16 Concorde supersonic airliners having present emission indices might lead in the long run to several thousand additional cases of skin cancer per year in the world, of which perhaps a thousand would be in the United States.

The Academy found that even "a single present SST flying some 5 hours per day in the stratosphere might make some 1,400 flights a year and increase the incidence of all cancers by 100 cases per year." The only benefit offsetting this risk is that a limited number of people may be able to cross the Atlantic by aircraft a few hours faster than is presently possible.

The Department of Transportation's Climatic Impact Assessment Program (CIAP) has come to a similar conclusion. It estimated that a fleet of only 30 Concorde would reduce ozone sufficiently to increase the incidence of skin cancer in the U.S. alone by 1,200 cases a year. Logic and humaneness dictate that we prohibit SST landings in the U.S. until such time as we can be assured that their operation would not disturb or impair the ozone layer, thereby increasing the incidence of skin cancer.

In addition to creating these environmental dangers, the SST is also among the most energy-inefficient modes of transportation. Because of its small 100-to-125 seat capacity, the Concorde would use two to three times as much fuel per passenger as do jumbo jets carrying 200 to 400 people. Our energy shortage would only be aggravated by the use of this luxury aircraft.

We, in Congress, have an opportunity in this legislation to put a halt to the impact of applying the blind, senseless technology of the SST, which would operate to the detriment of the general public. It would certainly promote national environmental policies to require that foreign aircraft conform to the same noise standards required of American aircraft. If they cannot do this, then airport authorities must be convinced not to permit their operations.

BELLA S. ABZUG.
JAMES V. STANTON.
GERRY E. STUDDS.
NORMAN Y. MINETA.
HENRY J. NOWAK.
ROBERT W. EDGAR.
GARY A. MYERS.

ADDITIONAL VIEWS OF REPRESENTATIVES EDGAR, MYERS, AND AMBRO

H.R. 9771, the "Airport and Airway Development Act Amendments of 1975" is the culmination of ten days of hearings and four days of markup in full committee. The authorization of funding in the bill will go a long way toward responding to the critical needs of this nation's airports.

However, we are strongly opposed to section 19 of this bill. This section authorizes \$72 million for a "demonstration project" which would extend the Bay Area Rapid Transit (BART) 3.5 miles to Oakland International Airport.

There is little dispute that such an extension is desirable. But projects similar to that which is authorized by section 19 can be, and have been, funded under section 3 of the Urban Mass Transportation Act of 1964. Projects similar to that proposed by section 19, linking airports with local mass transportation systems, have been undertaken in other cities. Two thirds of the cost of an extension to the Cleveland Airport was funded several years ago by funding provided for under section 3 of the Urban Mass Transportation Act. Another similar project is now underway at Philadelphia International Airport with 80% UMTA section 3 funding, and 20% local funding.

The City of Chicago is currently considering applying for an UMTA section 3 grant for an analogous project at O'Hare International Airport.

In view of this precedent, the Urban Mass Transportation Act appears to be the proper vehicle for funding of the Oakland project. Such a project would clearly be eligible for funding under section 3 of UMTA.

Section 6 of UMTA authorizes funds for "Research, Development, and Demonstration Projects" for "development, testing, and demonstration of new facilities, equipment, techniques and methods." Paradoxically, the Department of Transportation has indicated that the Oakland "demonstration project" could not be funded under section 6 of UMTA because the project does not meet any of the criteria necessary for eligibility under this section.

We oppose specific statutory authority for this project, and we feel that it is a dangerous precedent to exempt it from established procedures for federal capital grant funding. Because this extension would "demonstrate" nothing innovative in new airport-related technology, and would at most marginally "assist the improvement of the Nation's airport and airway system," we find it clearly inappropriate to authorize this project in H.R. 9771.

We intend to offer an amendment which will strike section 19 from this bill, and we urge your support for this amendment.

ROBERT W. EDGAR.
GARY A. MYERS.
JEROME A. AMBRO.

ADDITIONAL VIEWS OF HON. DON H. CLAUSEN

In 1971, the Congress, reacting to the expenditure of Trust Fund moneys for the purpose of financing administrative costs of the Federal Aviation Administration, prohibited further funding of air traffic control system operations and maintenance from the Trust Fund.

This Congressional action was a wise decision in my view and reflects an understanding which is shared by everyone in the aviation industry—namely, that the Trust Fund is an attempt to finance capital expenditures in the improvement and development of our Nation's Airport and Airway System.

These expenditures are primarily of benefit to the users of the System and are financed by the user through user-taxes which provide revenue for the Airport and Airway Trust Fund.

On the other hand, those benefits of aviation which primarily accrue to the general public at large should be financed through the General Fund as is presently the case.

In H.R. 9771, the Committee has chosen to include a provision authorizing the funding of air traffic control facility system maintenance expenditures from the Trust Fund.

I can justify this decision in my own mind and find it acceptable on the basis that it is limited to the costs of facility servicing (as opposed to operating costs) of the air traffic control system.

The commercial, private, and military users of the System (with the exception of aircraft without radios) are the beneficiaries of these expenditures and, therefore, I can justify a commitment of funds from the Trust Fund for that purpose.

Under no circumstances, however, could we justify the use of Trust Fund moneys for purposes which do not meet the test I have outlined—that is, user benefits charged to user taxes and general benefits charged to the General Fund.

I do not believe that either the Committee or the Congress itself has any intention of adopting this course of action and I, for one, would strongly oppose such a suggestion.

As is always the case, compromise is necessary. I cannot say that I am totally satisfied with the bill as reported by the Committee. However, I am very much a realist and recognize that this bill has the best chance of being signed into law—thus permitting us to go forward with our needed Airport System improvements throughout the country.

The legislation contains a requirement for the Department of Transportation and the FAA to report back to the Committee and the Congress the future airport and airway system needs of the country. It is my hope and desire that this report will take into consideration the unique role that private airports play in our total air transportation system and the unique service to the general public they provide as well as the increasing financial problems they face through increased property taxes, etc. With the new information available in the report, our Committee will then be able to intelligently address this serious problem.

DON H. CLAUSEN.

SUPPLEMENTAL VIEWS OF HON. GENE TAYLOR

I welcome this opportunity to state formally my rationale in introducing section 21 of the Committee Bill as an amendment to the Airport and Airway Development Act of 1970. The St. Louis airport situation to which section 21 is addressed has been the subject of controversy for several years. The State of Missouri and City of St. Louis have jointly undertaken a master plan study to determine the ultimate capacity of Lambert-St. Louis International Airport to satisfy the air transportation needs of the St. Louis area. The independent consultant performing this study reported after the initial phases that Lambert has the capability of being expanded to serve as the primary air carrier airport well beyond 1995."

Although the on-going master plan study is the first indepth examination of Lambert's life expectancy, the State of Illinois for several years has been seeking funds from the Department of Transportation to replace Lambert with a new super jetport twenty-five miles southeast of St. Louis in Illinois.

Despite the atmosphere of controversy which has arisen over the divergent efforts of Missouri and Illinois, this is not a matter pitting the interests and equities of one state against those of another. The objective of the efforts of both States must necessarily be to serve the needs of the people of the St. Louis metropolitan area. Eighty percent of these people and ninety percent of the area's air travellers live on the Missouri side of the Mississippi River. Moreover, three-fourths of all area air travellers live in the suburban counties to the north and west of St. Louis where Lambert Field is located. The ultimate question posed by the St. Louis airport question is how these people, basically Missourians, can best be served.

The position of Missourians living in the St. Louis metropolitan area has been communicated repeatedly to the Department of Transportation by Missouri's Federal and State representatives. It has also been reflected in resolutions by the governing agencies of St. Louis, St. Charles, Jefferson and Franklin Counties which surround Lambert Field, as well as in the results of the popular referendum conducted in 1972. The position thus expressed is that Lambert Field is conveniently and desirably located and should remain the principal air carrier airport serving St. Louis for as long as it is serviceable in that role. The ongoing Lambert master plan study is designed to provide an answer to the question of how long that will be.

Despite the efforts of Missouri's elected officials to communicate the position of their constituents to the Department of Transportation, the Department apparently is still giving active consideration to the proposal to replace Lambert with a remote airport in Illinois. In my judgment, this action is entirely inconsistent with the basic principle underlying the Airport and Airway Development Act, to wit: that the question of airport location is principally a local decision.

It is quite clear from the Act and from the legislative history that the Department of Transportation and the FAA do not have the authority to select an airport site and direct the construction of facilities without the consent of local officials and interested elements of the community. Section 16(f) of the Act requires the Secretary of Transportation, when he determines that a metropolitan area composed of more than one unit of State or local government is in need of improved airport facilities, to notify the authorities of the area concerned of the need for the airport and request such authorities to confer and agree upon a site. Although the language of section 16(f) does not explicitly state that the Secretary is without power to approve the site over the objections of the local government authorities in the metropolitan area, the legislative history is clear that he does not have such power.

Consequently, The Secretary may not, as a matter of existing law, select an airport site over the opposition of local authorities. It is not necessary to reach the question in the Missouri situation of what constitutes sufficient opposition, since the State of Missouri, the City of St. Louis, and the counties embracing most of metropolitan St. Louis strongly oppose the Illinois application for funding to build a replacement airport in Illinois.

Given this legislative background, I have introduced Section 21 to emphasize once again to the Department of Transportation that Congress views the question of airport location principally as a local issue. Section 21 will ensure that the views of Missourians who comprise the overwhelming majority of persons living in the St. Louis SMSA are given proper weight.

GENE TAYLOR.

SUPPLEMENTAL VIEWS BY BARRY M. GOLDWATER, JR.

MAINTENANCE AND OPERATIONS

I reject the use of ADAP funds to pay for the maintenance and operations of the FAA as provided in section 6(e) of H.R. 9771.

Despite opposition from every aviation organization appearing before the Aviation Subcommittee during the ADAP hearings, with the sole exception of the Department of Transportation, the full Committee decided to prematurely expand the Trust Fund. Actually, the same mistake was made in 1970 when the government attempted to divert large sums to operations and maintenance. As a result, Congress had to later amend the Act to prohibit the use of Trust Fund monies for such purposes.

I believe the Trust Fund should be used as it was originally created; namely, to improve airports, i.e., resurfacing runways, lighting, taxiways, VASI systems, and ILS. In addition, it was created to enhance aviation safety and in a general sense, improve the airways system.

Frankly, we are nowhere near these objectives. On the contrary, there are many more projects pending than money available to pay for them. It has been estimated that there is now pending at FAA some \$327 million in requests for airport improvement that cannot be funded due to a lack of funds. Until we take care of these requests and others that are pending, we could not begin to discuss a new direction for Trust Fund monies such as paying for the systems cost (operations and maintenance). For the safety of the traveling public we should continue to spend all available funds for improvement of airports and airways.

In my judgment, to open Trust Fund monies for operations and maintenance is a major change which cannot be compromised away or taken lightly. It is a departure from standard practices and policy. Government policy has been that for the various modes of travel there is a public benefit. Therefore, in most cases the public will pay for their maintenance and operations.

If we divert Trust Fund money or user taxes for this mode—aviation—we have changed the standard policy. If we do it to one mode, as is the case in this bill, it follows that we must do it in all other cases.

The users of aviation pay for the ADAP Program. Trust Fund revenue is received from such things as an 8% tax on airline tickets, a 5% tax on air freight way-bills, a 7¢ a gallon tax on general aviation fuel, a departure tax on international flights, and a weight tax on all aircraft. To use the Trust Fund for FAA system maintenance is a slap in the face of people who pay these taxes and who have a right to expect that these taxes will be used to expand existing airports and to help build new ones where needed to improve safety.

Actually there has been little discussion or debate on this matter. During the course of the hearings there seemed to be little, if any question, that to divert these monies would be unwise. Congress has already rejected this idea in 1971, and in 1975 every group testifying before the Subcommittee rejected this concept with the sole exception of the Department of Transportation. Now, we turn right around and do a flip-flop on this issue. It represents nothing more than a compromise with the Administration over spending levels, and I reject the whole procedure as not being fair to the users who pay the taxes or the Congress who must decide on this major policy question. Until we have completed the safety requirements of our airports and made other necessary airport improvements, we should hold off on any further discussion of diverting Trust Fund monies for FAA operations and maintenance. Therefore, I hope my colleagues will reject Section 6(e) of this bill which pertains to so-called "systems maintenance."

BARRY M. GOLDWATER, JR.

SUPPLEMENTAL VIEWS BY BARRY M. GOLDWATER, JR.

PRIVATELY OWNED/PUBLICLY USED AIRPORTS

Unfortunately, efforts in Committee to address the ADAP legislation to the plight of the vanishing airport met with little success. For the most part, such an airport falls into the category of being privately owned but open to the flying public.

At present, there are approximately 6,500 U.S. airports open to public use. According to FAA figures of January 1, about 2,600 of these are privately owned. Many of these private airports have a large volume of traffic, which is mostly general aviation. These private airports play an important part in the total aviation transportation system, but they will eventually face extinction unless something is done to give them relief from the many problems they face.

In 1974, according to the FAA, 286 private airports were abandoned. In other words, plowed under. Once an airport is lost to a community, it is lost forever.

The problems troubling privately owned/publicly used airports are several:

1. They are open to the flying public as if they were public property. They serve the same clientele as does a publicly-owned airport facility. The privately owned airport meets, in most instances, the same safety standards as does a publicly owned facility.

2. All development and all maintenance is paid for by private capital. It is, in truth, a type of public utility available to public use without charge to the general public, even though it is privately owned. Privately-owned airports, like any other private property, is taxed at its best-use valuation. Meanwhile, publicly-owned airport property is not taxed at all, as long as it is used for airport purposes.

3. Privately-owned airport property enjoys no zoning protection whatsoever. It is evident that the ownership of a privately-owned airport is at the mercy of their neighbors, and that their investment in the airport can be virtually destroyed at any time that non-compatible structures are built on adjacent property. Meanwhile, publicly-owned airports can enjoy full zoning protection.

4. The private airport pays taxes to the local, State, and Federal governments. Yet, it cannot obtain one cent of aid from any of these governmental entities for development and/or maintenance purposes. If improvements are made on privately-owned airports by the management, the real taxes may be increased because of the improvements. Meanwhile, the publicly-owned airport can receive Fund grants for development and maintenance—from all levels of government.

5. Most privately-owned/publicly-used airports pay thousands, and perhaps millions of dollars into the Airway Trust Fund, but they are not eligible to receive any of these funds for improvement of their

facilities. For example, at the Spirit of Saint Louis Airport, near St. Louis, Missouri, the airport and its users paid nearly \$200,000 in federal fuel and registration taxes last year, much of which went to the ADAP Fund. Yet, because that airport is privately-owned, not one penny was put back into the airport.

It seems to me that we should start thinking about including some private airports in the ADAP program.

While efforts to either include such airports in the ADAP program or to allow a purchase arrangement on a 90% federal share basis failed, there was considerable discussion about holding separate hearings on this subject. Included in such hearings should be the special case of Hollywood Burbank Airport in California, which is the only privately owned air carrier airport in the United States. I am hopeful that hearings can be held before the end of this session of Congress.

BARRY M. GOLDWATER, Jr.

SUPPLEMENTAL VIEWS BY BARRY M. GOLDWATER, JR.

RELIEVER AND COMMUTER SERVICE AIRPORTS

The ADAP bill contains \$65 million for general aviation airports, which includes \$25 million for reliever and commuter service airports. I feel that the \$25 million figure is not nearly adequate to meet the needs of such airports. In fact, a half dozen of the larger fields in this category could easily use \$25 million and more.

Close to 100 publicly owned relievers, including some of the nation's busiest airports, would be downgraded from their past status in funding with the air carrier fields, where the money really is. Their job is to draw general aviation traffic from hub airports and provide close entry of business and corporate planes to the big cities which is more and more important as airline terminals become over crowded.

Some 200 commuter service airports keep non-airline cities on the nation's air map. While the bill recognizes them for the first time, it denies the air carrier status enjoyed by an airline field with a single flight a day while a commuter field with a dozen is excluded.

Aviation groups are generally agreed that relievers and commuter service airports should be in the air carrier funding class with the \$25 million, plus access to the \$128 million discretionary fund in the present bill. Unfortunately, the Committee failed to elevate the status of this important link in the nation's airport system.

BARRY M. GOLDWATER, Jr.,
Member of Congress.

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AIRPORT AND AIRWAY DEVELOPMENT ACT
AMENDMENTS OF 1976

—————
JUNE 23, 1976.—Ordered to be printed
—————

Mr. ANDERSON of California, from the committee
of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 9771]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9771) to amend the Airport and Airway Development Act of 1970, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Airport and Airway Development Act Amendments of 1976".

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT
AMENDMENTS

DECLARATION OF POLICY

SEC. 2. Section 2 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1701) is amended by striking out "June 30, 1980," the first place it appears and inserting in lieu thereof "September 30, 1980," and by striking out everything after "\$250,000,000."

(1)

DEFINITIONS

SEC. 3. (a) Section 11 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended as follows:

(1) Paragraph (2) is amended by—

(A) striking out “and (B)” and inserting in lieu thereof “and including snow removal equipment, and including the purchase of noise suppressing equipment, the construction of physical barriers, and landscaping for the purpose of diminishing the effect of aircraft noise on any area adjacent to a public airport, (B)”;

(B) striking out the period at the end thereof and inserting in lieu thereof “, and (C) any acquisition of land or of any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport.”.

(2) Paragraph (4) is amended by adding after “feasibility studies,” the following: “including the potential use and development of land surrounding an actual or potential airport site.”.

(3) Before paragraph (1), add the following new paragraph:

“(1) ‘Air carrier airport’ means an existing public airport regularly served, or a new public airport which the Secretary determines will be regularly served, by an air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (other than a supplemental air carrier), and a commuter service airport.”.

(4) After paragraph (5), add the following new paragraphs:

“(6) ‘Commuter service airport’ means an air carrier airport which is not served by an air carrier certificated under section 401 of the Federal Aviation Act of 1958 and which is regularly served by one or more air carriers operating under exemption granted by the Civil Aeronautics Board from section 401(a) of the Federal Aviation Act of 1958 at which not less than two thousand five hundred passengers were planned in the aggregate by all such air carriers from such airport during the preceding calendar year.

“(7) ‘General aviation airport’ means a public airport which is not an air carrier airport.”.

(5) After paragraph (12), add the following new paragraph:

“(13) ‘Reliever airport’ means a general aviation airport designated by the Secretary as having the primary function of relieving congestion at an air carrier airport by diverting from such airport general aviation traffic.”.

(b) Section 11 of the Airport and Airway Development Act of 1970 is amended by renumbering the paragraphs of such section as paragraphs (1) through (21), respectively, and renumbering all references to such paragraphs accordingly.

REVISED NATIONAL AIRPORT SYSTEM PLAN

SEC. 4. Section 12 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712) is amended by adding at the end thereof the following new subsection:

“(i) REVISED SYSTEM PLAN.—No later than January 1, 1978, the Secretary shall consult with the Civil Aeronautics Board and with each State and airport sponsor, and, in accordance with this section, prepare and publish a revised national airport system plan for the development of public airports in the United States. Estimated costs contained in such revised plan shall be sufficiently accurate so as to be capable of being used for future year apportionments. In addition to the information required by subsection (a), the revised plan shall include an identification of the levels of public service and the uses made of each public airport in the plan, and the projected airport development which the Secretary deems necessary to fulfill the levels of service and use of such airports during the succeeding ten-year period.”.

PLANNING GRANTS

SEC. 5. Section 13(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1713) is amended as follows:

(1) The side heading is amended by striking out “APPORTIONMENT” and inserting in lieu thereof “LIMITATION”.

(2) Paragraph (1) is amended by striking out “\$75,000,000 and” and inserting in lieu thereof “\$150,000,000”.

(3) Paragraph (2) is amended to read as follows:

“(2) The United States share of any airport master planning grant under this section shall be that per centum for which a project for airport development at that airport would be eligible under section 17 of this Act. In the case of any airport system planning grant under this section, the United States share shall be 75 per centum.”.

(4) Paragraph (3) is amended by striking out “7.5” and inserting in lieu thereof “10”.

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

SEC. 6. (a) Section 14(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended by adding at the end thereof the following new paragraphs:

“(3) For the purpose of developing air carrier airports in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, \$435,000,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, \$440,000,000 for fiscal year 1977, \$465,000,000 for fiscal year 1978, \$495,000,000 for fiscal year 1979, and \$525,000,000 for fiscal year 1980.

“(4) For the purpose of developing general aviation airports in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, \$65,000,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, \$70,000,000 for fiscal year 1977, \$75,000,000 for fiscal year 1978, \$80,000,000 for fiscal year 1979, and \$85,000,000 for fiscal year 1980.”.

(b) (1) Section 14(b) of such Act is amended—

(A) by inserting "(1)" immediately before the first sentence; and

(B) in the second, third, and fourth sentences, by striking out "subsection" and inserting in lieu thereof "paragraph".

(2) Section 14(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(2) The Secretary is authorized to incur obligations to make grants for airport development from funds made available under paragraphs (3) and (4) of subsection (a) of this section, and such authority shall exist with respect to funds available for the making of grants for any fiscal year or part thereof pursuant to subsection (a) immediately after such funds are apportioned pursuant to section 15(a) of this title. No obligation shall be incurred under this paragraph after September 30, 1980. The Secretary shall not incur more than one obligation under this paragraph with respect to any single project for airport development. Notwithstanding any other provision of this title, no part of any of the funds authorized, or authorized to be obligated, for fiscal year 1980 at the discretion of the Secretary under paragraphs (3) (B) and (4) (C) of section 15(a), and no part of the discretionary funds for reliever airports under such paragraph (4), shall be obligated or otherwise expended except in accordance with a statute enacted after the date of enactment of this sentence."

(c) Section 14(c) of such Act is amended by striking out the period at the end thereof and by inserting in lieu thereof a comma and the following: "not less than \$312,500,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and not less than \$250,000,000 per fiscal year for the fiscal years 1977 through 1980."

(d) Section 14(e) of such Act is redesignated as section 14(f) and the following is inserted in section 14 as a new subsection (e):

"(e) OTHER EXPENSES.—The balance of the moneys available in the Airport and Airway Trust Fund may be appropriated for (1) costs of services provided under international agreements relating to the joint financing of air navigation services which are assessed against the United States Government, and (2) direct costs incurred by the Secretary to flight check and maintain air navigation facilities referred to in subsection (c) of this section in a safe and efficient condition. Eligible maintenance expenses are limited to costs incurred in the field and exclude the costs of engineering support and planning, direction, and evaluation activities. The amounts appropriated from the Airport and Airway Trust Fund for the purposes of clauses (1) and (2) may not exceed \$250,000,000 for fiscal year 1977, \$275,000,000 for fiscal year 1978, \$300,000,000 for fiscal year 1979, and \$325,000,000 for fiscal year 1980. The amounts appropriated in any fiscal year under this subsection may not exceed, when added to the minimum amounts authorized for that year under subsections (a), (c), and (d) of this section, the amounts transferred to the Airport and Airway Trust Fund for that year under subsection 208(b) of the Airport and Airway Revenue Act of 1970. No part of the amount appropriated from the Airport and Airway Trust Fund in any fiscal year for obligation or expenditure under clause (2) of this subsection shall be obligated or expended which exceeds that amount which bears the same ratio to the maximum amount which may be appropriated under

clauses (1) and (2) of this subsection for such fiscal year as the total amount obligated in that fiscal year under paragraphs (3) and (4) of subsection (a) of this section bears to the aggregate of the minimum amount made available for obligation under each such paragraph for such fiscal year."

(e) Paragraph (1) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsections (c) and (d) of this section, as amended" and by inserting in lieu thereof "this section".

(f) Paragraph (2) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsections (a) and (c)" and inserting in lieu thereof "subsections (a), (c), (d) and the third sentence of subsection (e)".

(g) Paragraph (3) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsection (d)." and inserting "subsection (e)."

DISTRIBUTION OF FUNDS

SEC. 7. (a) Section 15(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1715) is amended by renumbering paragraphs (3) and (4) as (5) and (6), respectively, and by inserting immediately following paragraph (2) the following new paragraphs:

"(3) As soon as possible after the date of enactment of this paragraph for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and on the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

"(A) To each sponsor of an air carrier airport (other than a commuter service airport) as follows:

"(i) \$6.00 for each of the first fifty thousand passengers enplaned at that airport.

"(ii) \$4.00 for each of the next fifty thousand passengers enplaned at that airport.

"(iii) \$2.00 for each of the next four hundred thousand passengers enplaned at that airport.

"(iv) \$0.50 for each passenger enplaned at that airport over five hundred thousand.

No air carrier airport (other than a commuter service airport)—

"(1) served by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight, or previously served, on or after September 30, 1968, by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight and presently served by air carrier aircraft 12,500 pounds or less maximum certificated gross takeoff weight shall receive under this subparagraph less than \$187,500 or more than \$12,500,000 for fiscal year 1976, including the period July 1, 1976 through September 30, 1976, and less than \$150,000 or more than \$10,000,000 per fiscal years for fiscal years 1977 through 1980; and

"(II) served by air carrier aircraft 12,500 pounds or less maximum certificated gross takeoff weight which, since September 29, 1968, has never been regularly served by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight shall receive under this subparagraph less than \$62,500 or more than \$12,500,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and less than \$50,000 or more than \$10,000,000 per fiscal year for fiscal years 1977 through 1980.

In no event shall the total amount of all apportionments under this subparagraph (A) for any fiscal year exceed two-thirds of the amount authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part for such fiscal year. In any case in which an apportionment would be reduced by the preceding sentence, the Secretary shall for such fiscal year reduce the apportionment to each sponsor of an air carrier airport proportionately so that such two-thirds amount is achieved.

"(B) Any amount not apportioned under subparagraph (A) of this paragraph shall be distributed at the discretion of the Secretary as follows:

"(i) \$18,750,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and \$15,000,000 per fiscal year for the fiscal years 1977 through 1980, to commuter service airports.

"(ii) The remainder of such amount to air carrier airports.

"(4) As soon as possible after the date of enactment of this paragraph for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and on the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (4) of section 14(a) of this part, the amount made available minus \$18,750,000 in the case of fiscal year 1976, including such period, and minus \$15,000,000 in the case of each of the fiscal years 1977 through 1980, shall be apportioned by the Secretary as follows:

"(A) 75 per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

"(B) 1 per centum for the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands to be distributed at the discretion of the Secretary.

"(C) 24 per centum to be distributed at the discretion of the Secretary to general aviation airports.

\$18,750,000 of the amount made available for fiscal year 1976, including such period, and \$15,000,000 of the amount made available for each of the other fiscal years shall be distributed at the discretion of the Secretary to reliever airports."

(b) Paragraph (5) of such section 15(a) (as renumbered by this section) is amended by inserting after "(2) (A)" the following "or (4) (A)", by inserting after "(1) (B)" the following "or (3) (A)", and by adding at the end thereof the following new sentence: "For purposes of this paragraph funds apportioned pursuant to this sec-

tion for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, shall be available for obligation for the same period of time as if such funds were apportioned for fiscal year 1976 exclusive of such period."

(c) Section 15(b) (2) of the Airport and Airway Development Act of 1970 is amended by striking out "(3)" and inserting in lieu thereof "(5)".

(d) The first sentence of subsection (c) of section 15 of the Airport and Airway Development Act of 1970 is amended to read as follows: "The Secretary shall inform each air carrier airport sponsor and the Governor of each State, or the chief executive officer of the equivalent jurisdiction, as the case may be, on April 1 of each year of the estimated amount of the apportionment to be made on October 1 of that year."

(e) In making the apportionment for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, under section 15(a) (3) (A) of the Airport and Airway Development Act of 1970, the Secretary of Transportation shall increase the number of enplanements at each airport by 25 percent.

PROJECT APPROVAL

Sec. 8. (a) The first sentence of subsection (a) of section 16 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716) is amended by inserting after "project application" the following "for one or more projects". The second sentence of subsection (a) of section 16 of the Airport and Airway Development Act of 1970 is amended by striking out "No" and inserting in lieu thereof "Until July 1, 1975, no". Such section 16(a) is further amended by adding at the end thereof the following new sentences: "After June 30, 1975, no project application shall propose airport development except in connection with the following airports included in the current revision of the national airport system plan formulated by the Secretary under section 12 of this Act: (1) air carrier airports, (2) commuter service airports, (3) reliever airports, and (4) general aviation airports (A) which are regularly served by aircraft transporting United States mail, or (B) which are regularly used by aircraft of a unit of the Air National Guard or of a Reserve component of the Armed Forces of the United States, or (C) which the Secretary determines have a significant national interest. Except as provided in subsection (g), all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches."

(b) Section 16 of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new subsections:

"(g) STATE STANDARDS.—

"(1) The Secretary is authorized to make grants to any State, upon application therefor, for not to exceed 75 per centum of the cost of developing standards for airport development at general aviation airports in such State, other than standards for safety of approaches. The aggregate of all grants made to any State under this paragraph shall not exceed \$25,000.

"(2) The Secretary is authorized to approve standards established by a State for airport development at general aviation airports in such State, other than standards for safety of approaches, and upon such approval such State standards shall be the standards applicable to such general aviation airports in lieu of any comparable standard established under subsection (a) of this section. State standards approved under this subsection may be revised, from time to time, as the State or the Secretary determines necessary, subject to approval of such revisions by the Secretary.

"(3) There is authorized to be appropriated out of the Airport and Airway Trust Fund not to exceed \$1,275,000 to carry out this subsection.

"(h) The Secretary is authorized in connection with any project to accept a certification from a sponsor or a planning agency that such sponsor or agency will comply with all of the statutory and administrative requirements imposed on such sponsor or agency under this Act in connection with such project. Acceptance by the Secretary of a certification from a sponsor or agency may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so. Nothing in this subsection shall affect or discharge any responsibility or obligation of the Secretary under any other Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1652), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000b), title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)."

(c) Section 12(a) of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new sentence: "After June 30, 1975, the Secretary shall not include in the national airport system plan any airport which is not eligible for airport development grants under the next to the last sentence of section 16(a) of this title, except that nothing in this sentence shall require the Secretary to remove from the national airport system plan any airport in such plan on June 30, 1975."

UNITED STATES SHARE

SEC. 9. (a) Section 17(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) is amended by striking out everything after "section 16" and inserting in lieu thereof the following: "of this part—

"(1) may not exceed 50 per centum of the allowable project costs in the case of grants made from funds for fiscal years 1971, 1972, and 1973, and may not exceed 50 per centum for sponsors whose airports enplane not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board, and may not exceed 75 per centum for sponsors whose airports enplane less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board and for sponsors of general aviation or reliever airports, in the case of grants made from funds for fiscal years 1974 and 1975; and

"(2) (A) shall be 90 per centum of the allowable project costs in the case of grants from funds for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and for fiscal years 1977 and 1978, and shall be 80 per centum of the allowable project costs in the case of grants from funds for fiscal years 1979 and 1980, (i) for each air carrier airport (other than a commuter service airport) which enplanes less than one-quarter of 1 per centum of the total annual passengers enplaned as determined for purposes of making the latest annual apportionment under section 15(a)(3) of this Act, (ii) for each commuter service airport, and (iii) for each general aviation airport; and

"(B) shall be 75 per centum of the allowable project costs in the case of all other airports."

(b) Section 17(b) of such Act (49 U.S.C. 1717) is amended by adding at the end thereof the following new sentence: "In no event shall such United States share, as increased by this subsection, exceed the greater of (1) the percentage share determined under subsection (a) of this section, or (2) the percentage share applying on June 30, 1975, as determined under this subsection."

(c) Section 17(c) is amended by striking out "The" and inserting in lieu thereof "For fiscal years 1971 through 1975, the".

(d) Section 17(d) of such Act is amended by striking out everything after "share" and inserting in lieu thereof "shall be the same percentage as is otherwise applicable to such project."

(e) Section 17(e) of such Act is hereby repealed.

PROJECT SPONSORSHIP

SEC. 10. (a) Section 18 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1718) is amended by inserting "(a) SPONSORSHIP.—" immediately before "As a condition precedent", by striking out "section." at the end of such section and inserting in lieu thereof "subsection.", and by adding at the end thereof the following new subsection:

"(b) CONSULTATION.—In making a decision to undertake any project under this title, any sponsor of an air carrier airport shall consult with air carriers using the airport at which such airport development project is proposed and any sponsor of a general aviation airport shall consult with fixed-base operators using the airport at which such airport development project is proposed."

(b) Paragraph (8) of subsection (a) of section 18 of the Airport and Airway Development Act of 1970 (as redesignated by subsection (a) of this section) is amended by striking out the semicolon and inserting in lieu thereof the following: ", except that no part of the Federal share of an airport development project for which a grant is made under this title or under the Federal Airport Act (49 U.S.C. 1101 et seq.) shall be included in the rate base in establishing fees, rates, and charges for users of that airport;".

(c) Paragraph (1) of section 18(a) of the Airport and Airway Development Act of 1970 (as redesignated by subsection (a) of this section) is amended by striking out the semicolon and inserting in lieu thereof the following: ", including the requirement that (A) each air carrier, authorized to engage directly in air transportation pursuant to section 401 or 402 of the Federal Aviation Act of 1958, using

such airport shall be subject to nondiscriminatory and substantially comparable rates, fees, rentals, and other charges and nondiscriminatory and substantially comparable rules, regulations, and conditions as are applicable to all such air carriers which make similar use of such airport and which utilize similar facilities, subject to reasonable classifications such as tenants or nontenants, and combined passenger and cargo flights or all cargo flights, and such classification or status as tenant shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on tenant air carriers, and (B) each fixed-based operator using a general aviation airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport utilizing the same or similar facilities;”

(d) The amendment made to section 18(a)(1)(A) of the Airport and Airway Development Act of 1970 (as amended by subsection (c) of this section) shall not require the reformation of any lease or other contract entered into by an airport before the date of enactment of this Act. The amendment made to section 18(a)(1)(B) of the Airport and Airway Development Act of 1970 (as amended by subsection (c) of this section) shall not require the reformation of any lease or other contract entered into by an airport before July 1, 1975.

MULTIYEAR PROJECTS

Sec. 11. Section 19 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1719) is amended by inserting immediately after the third sentence the following new sentence: “In any case where the Secretary approves an application for a project which will not be completed in one fiscal year, the offer shall, upon request of the sponsor, provide for the obligation of funds apportioned or to be apportioned to the sponsor pursuant to section 15(a)(3)(A) of this title for such fiscal years (including future fiscal years) as may be necessary to pay the United States share of the cost of such project.”

TERMINAL DEVELOPMENT PROJECT COSTS

Sec. 12. (a) Section 20 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720) is amended by redesignating subsection (b) as subsection (c) and inserting immediately after subsection (a) the following new subsection:

“(b) **TERMINAL DEVELOPMENT.**—

“(1) Notwithstanding any other provision of this title, upon certification by the sponsor of any air carrier airport that such airport has, on the date of submittal of the project application, all the safety and security equipment required for certification of such airport under section 612 of the Federal Aviation Act of 1958, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning or deplaning from aircraft other than air carrier aircraft, the Secretary may approve, as allowable project costs of a project for airport development at such airport, terminal development (including multimodal terminal development) in nonrevenue producing public-use areas which are directly related to the movement of passengers and baggage in air commerce within the boundaries of

the airport, including, but not limited to, vehicles for the movement of passengers between terminal facilities or between terminal facilities and aircraft.

“(2) Only sums apportioned under section 15(a)(3)(A) to the sponsor of an air carrier airport shall be obligated for project costs allowable under paragraph (1) of this subsection in connection with airport development at such airport, and no more than 60 per centum of such sums apportioned for any fiscal year shall be obligated for such costs.

“(3) Sums apportioned under section 15(a)(3)(A) to the sponsor of an air carrier airport at which terminal development was carried out on or after July 1, 1970, and before the date of enactment of this paragraph shall be available, subject to the limitations contained in paragraph (2) of this subsection, for the immediate retirement of the principal of bonds or other evidences of indebtedness the proceeds of which were used for that part of the terminal development at such airport the cost of which is allowable under paragraph (1) of this subsection subject to the following conditions:

“(A) That such sponsor submits the certification required under paragraph (1) of this subsection.

“(B) That the Secretary determines that no project for airport development at such airport outside the terminal area will be deferred if such sums are used for such retirement.

“(C) That no funds available for airport development under this Act shall be obligated for any project for additional terminal development at such airport for a period of three years beginning on the date any such sums are used for such retirement.

“(4) Notwithstanding section 17, the United States share of project costs allowable under paragraph (1) of this subsection shall be 50 per centum.

“(5) The Secretary shall approve project costs allowable under paragraph (1) of this subsection under such terms and conditions as may be necessary to protect the interests of the United States.”

(b) Subsection (c) of such section 20 (as relettered by this section) is amended by striking out “The” and inserting in lieu thereof the following: “Except as provided in subsection (b) of this section, the”.

STATE DEMONSTRATION PROGRAMS

Sec. 13. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) is amended by inserting immediately after section 27 the following new section:

“**SEC. 28. STATE DEMONSTRATION PROGRAMS.**

“(a) **DEMONSTRATION PROGRAMS.**—If the Secretary determines, after review of the certification required by subsection (b) of this section, that a State is capable of managing a demonstration program for administering United States grants for general aviation airports in that State, the Secretary may make a grant for such purpose to such State of funds apportioned to it under section 15(a)(4)(A) of this Act and of any part of the discretionary funds available under section 15(a)(4)(C) of this Act. Such a grant shall be conditioned on a requirement that such State grant funds to airport sponsors in the same manner and subject to the same conditions as the Secretary imposes in making grants to such sponsors under this title.

"(b) CERTIFICATION REQUIREMENTS.—If a State wishes to manage a demonstration program for administering United States grants for general aviation airports, the Governor or the chief executive officer of such State shall certify to the Secretary, in the form and manner prescribed by the Secretary, that—

"(1) the State complies with all eligibility requirements and criteria established by this section and by the Secretary;

"(2) such State's participation in the demonstration program has been specifically authorized by an action of such State's legislature duly taken after the date of enactment of this section, or if such State's legislature is not in regular session on such date and will not meet again in regular session before January 1, 1977, such participation has been authorized by such State's Governor or chief executive officer; and

"(3) such State's legislature has authorized the appropriation of State funds for the development of general aviation airports in such State during the period for which funds are sought under this section.

"(c) RESTRICTIONS.—The Secretary shall not, pursuant to this section—

"(1) enter into demonstration projects in more than four States;

"(2) allow any funds granted to States to be used to pay costs incurred by the States in administering the demonstration programs;

"(3) initiate any demonstration program after January 1, 1977; and

"(4) make a grant to any State after September 30, 1978.

"(d) REPORT.—The Secretary shall evaluate and report to Congress, not later than March 31, 1978, on the results of any demonstration programs assisted under this section."

AIR CARRIER AIRPORT DESIGNATION AND CIVIL RIGHTS

SEC. 14. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) is amended by inserting immediately after section 28 (as added by the preceding section of this Act) the following new sections:

"SEC. 29. AIR CARRIER AIRPORT DESIGNATION.

"Notwithstanding any other provision of this title, in the case of any public airport at which (A) an air carrier was or is certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) to serve a city served through such airport, and (B) either (i) service to such city by every such certificated air carrier has been suspended as authorized by the Civil Aeronautics Board, or (ii) authority to serve such city has been deleted from the certificates of every such air carrier by the Civil Aeronautics Board after the date of enactment of this section, and (C) such airport is served by an intrastate air carrier operating in intrastate air transportation within the meaning of sections 101(22) and 101(23) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), such airport shall be

deemed to be an air carrier airport (other than a commuter service airport) for the purposes of this title.

"SEC. 30. CIVIL RIGHTS.

"The Secretary shall take affirmative action to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from participating in any activity conducted with funds received from any grant made under this title. The Secretary shall promulgate such rules as he deems necessary to carry out the purposes of this section and may enforce this section, and any rules promulgated under this section, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964. The provisions of this section shall be considered to be in addition to and not in lieu of the provisions of title VI of the Civil Rights Act of 1964."

LIMITING CHARGES FOR GOVERNMENT INSPECTION OF PERSONS AND PROPERTY

SEC. 15. (a) Section 53 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1741) is amended by adding at the end thereof the following new subsection:

"(e) The cost of any inspection or quarantine service which is required to be performed by the Federal Government or any agency thereof at airports of entry or other places of inspection as a consequence of the operation of aircraft, and which is performed during regularly established hours of service on Sundays or holidays shall be reimbursed by the owners or operators of such aircraft only to the same extent as if such service had been performed during regularly established hours of service on weekdays. Notwithstanding any other provision of law, administrative overhead costs associated with any inspection or quarantine service required to be performed by the United States Government, or any agency thereof, at airports of entry as a result of the operation of aircraft, shall not be assessed against the owners or operators thereof."

(b) The amendment made by subsection (a) of this section shall take effect January 1, 1977.

PURCHASE REPORTS

SEC. 16. Section 303(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by striking out "Interstate and Foreign Commerce" and inserting in lieu thereof "Public Works and Transportation".

AIRPORT SECURITY IN ALASKA

SEC. 17. (a) The Federal Aviation Act of 1958 (49 U.S.C. 1432 et seq.) is amended by adding at the end of title III thereof the following new section:

"AIRPORT SECURITY IN ALASKA

"SEC. 317. The Administrator is authorized to exempt from the provisions of sections 315 and 316 of this Act those airports in Alaska which receive service only from air carriers operating under certificates granted by the Civil Aeronautics Board under section 401 of

this Act, which operate aircraft having a maximum certificated gross takeoff weight of less than 12,500 pounds, and which do not enplane any passenger, or any property intended to be carried in the aircraft cabin, which passenger or property is moving in air transportation and will not be subject to screening in accordance with such section 315 at an airport in Alaska before such passenger or property is enplaned for any point outside Alaska.”

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

“TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR”

is amended by adding at the end thereof the following new sideheading:

“Sec. 317. Airport security in Alaska.”

AIR TRANSPORTATION OF PERSONS OR PROPERTY

SEC. 18. (a) Section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) is amended by adding at the end thereof the following new subsection:

“(o) (1) Except as provided in paragraph (2) of this subsection, transportation of persons or property by transport category aircraft in interstate air transportation procured by the Department of Defense, including military departments within such Department, through contracts of more than 30 days duration for airlift service within the United States, shall be provided only by carriers which (1) have aircraft in the civil reserve air fleet or offer to place aircraft in such fleet, and (2) hold certificates under this section. Applications for certification under subsection (a) of this section for the purpose of providing the service referred to in this subsection shall be acted on expeditiously by the Board.

“(2) In any case in which the Secretary of Defense determines that no air carrier certificated under subsection (a) of this section is capable of providing and willing to provide the type of service described in paragraph (1) of this subsection, he may contract with an air carrier which does not hold a certificate under this section.”

(b) That portion of the table of contents contained in the first section of such Act which appears under the side heading.

“Sec. 401. Certificate of Public Convenience and Necessity.”

is amended by adding at the end thereof the following:

“(o) Air transportation of persons or property.”

ISSUANCE OF AIRPORT OPERATING CERTIFICATES

SEC. 19. (a) Section 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1432) is amended by adding at the end thereof the following new subsection:

“EXEMPTION

“(c) The Administrator may exempt any operator of an air carrier airport enplaning annually less than one-quarter of 1 percent of the total number of passengers enplaned at all air carrier airports from

the requirements imposed by subsection (b) of this section relating to firefighting and rescue equipment if he finds that such requirements are, or would be, unreasonably costly, burdensome, or impractical.”

(b) That portion of the table of contents contained in the first section of such Act which appears under the side heading

“Sec. 612. Airport operating certificates.”

is amended by adding at the end thereof the following:

“(c) Exemption.”

AIRPORT STUDY

SEC. 20. The Secretary of Transportation shall conduct a study of airports in areas where land requirements, local taxes, or a low revenue return per acre may close such airports. This study, the results of which shall be reported to Congress by January 1, 1978, shall include the identification of those locations which may be converted to non-aviation uses and recommendations concerning methods for preserving those airports which in the Secretary's judgment should be preserved in the public interest.

CIVIL AVIATION INFORMATION DISTRIBUTION PROGRAM

SEC. 21. In furtherance of his mandate to promote civil aviation, the Secretary of Transportation acting through the Administrator of the Federal Aviation Administration shall take such action as he may deem necessary, within available resources, to establish a civil aviation information distribution program within each region of the Federal Aviation Administration. Such program shall be designed so as to provide State and local school administrators, college and university officials, and officers of civil and other interested organizations, upon request, with informational materials and expertise on various aspects of civil aviation.

PROHIBITION OF FLIGHT SERVICE STATION CLOSURES

SEC. 22. For the three year period beginning on the date of enactment of this Act, the Secretary of Transportation shall not close or operate by remote control any existing flight service station operated by the Federal Aviation Administration, except (A) for part-time operation by remote control during low-activity periods, and (B) for the purpose of demonstrating the quality and effectiveness of service at a consolidated flight service station facility, not more than five flight service stations, at the discretion of the Secretary, may be closed or operated by remote control from not more than one air route traffic control center. Nothing in this section shall preclude the physical separation of a combined flight service station and tower facility, the operation by remote control of the flight service station portion of a combined flight service station and tower facility from another flight service station, or the relocation of an existing flight service station at another site within the same flight service area if such flight service station continues to provide the same service to airmen without interruption.

DEMONSTRATION PROJECT

SEC. 23. (a) (1) The Secretary of Transportation is authorized to undertake demonstration projects related to ground transportation services to airports which he determines will assist the improvement of the Nation's airport and airway system, and consistent regional airport system plans funded pursuant to section 13(b) of the Airport and Airway Development Act of 1970, by improving ground access to air carrier airport terminals. He may undertake such projects independently or by grant or contract (including working agreements with other Federal departments and agencies).

(2) In determining projects to be undertaken under this subsection, the Secretary of Transportation shall give priority to those projects which (A) affect airports in areas with operating regional rapid transit systems with existing facilities within reasonable proximity to such airports, (B) include connection of the airport terminal facilities to such systems, (C) are consistent with and supportive of a regional airport system plan adopted by the planning agency for the region and submitted to the Secretary, and (D) will improve access for all persons residing or working within the region to air transport through the encouragement of an optimum balance of use of airports in the region.

(b) (1) The Secretary of Transportation is authorized to undertake a demonstration project at South Bend, Indiana, for a multimodal terminal building and facilities for the intermodal transfer of passengers and baggage between and among interconnecting air, rail, and highway transportation routes and facilities. He may undertake such project independently or by grant or contract (including working agreements with other Federal departments and agencies).

(2) There is authorized to be appropriated to carry out this subsection not to exceed \$3,000,000.

COMPENSATION FOR REQUIRED SECURITY MEASURES IN FOREIGN AIR TRANSPORTATION

SEC. 24. (a) The Secretary of Transportation shall compensate any air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) which requests such compensation for that portion of the amount expended by such air carrier for security screening facilities and procedures as required by section 315(a) of such Act (49 U.S.C. 1356(a)), and any regulation issued pursuant thereto, which is attributable to the screening of passengers moving in foreign air transportation. An air carrier shall have any compensation authorized to be paid it under this section reduced by the amount (if any) by which the revenue of such carrier which is attributable to the cost of security screening facilities and procedures used in intrastate, interstate, and overseas air transportation exceeds the actual cost to such carrier of such facilities. The Secretary may issue such regulations as he deems necessary to carry out the purpose of this section.

(b) The terms used in this section which are defined in the Federal Aviation Act of 1958 shall have the same meaning as such terms have in such Act.

(c) There is authorized to be appropriated out of the Airport and Airway Trust Fund to carry out this section not to exceed \$3,750,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and \$3,000,000 per fiscal year for the fiscal years 1977 and 1978.

REDUCTION OF NONESSENTIAL EXPENDITURES

SEC. 25. The Secretary of Transportation shall, in accordance with this section, attempt to reduce, to the maximum extent practicable consistent with the highest degree of aviation safety, the capital, operating, maintenance, and administrative costs of the national airport and airway system. The Secretary shall, at least annually, consult with and give due consideration to the views of users of such system on methods of reducing nonessential Federal expenditures for aviation. The Secretary shall give particular attention to any recommendations which could reduce, without any adverse effects on safety, future Federal manpower requirements and costs which are required to be recouped from charges on such users.

SPECIAL STUDIES

SEC. 26. The Secretary of Transportation shall conduct studies with respect to—

(1) the feasibility, practicability, and cost of land bank planning and development for future and existing airports, to be carried out through Federal, State, or local government action;

(2) the establishment of new major public airports in the United States, including (A) identifying potential locations, (B) evaluating such locations, and (C) investigating alternative methods of financing the land acquisition and development costs necessary for such establishment; and

(3) the feasibility, practicability, and cost of the soundproofing of schools, hospitals, and public health facilities located near airports.

The Secretary shall consult with and solicit the views of such planning agencies, airport sponsors, other public agencies, airport users, and other interested persons or groups as he deems appropriate to the conduct of such studies. The Secretary shall report to the Congress on the results of such studies, including legislative recommendations, if any, within 1 year after the date of enactment of this section.

TITLE II—RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES

AUTHORIZATION

SEC. 201. Subsection (d) of section 14 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended to read as follows:

“(d) RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS.—The Secretary is authorized to carry out under section 312(c) of the Federal Aviation Act of 1958 such demonstration projects as he determines necessary in connection with research and development activities under such sec-

tion 312(c). For research, development, and demonstration projects and activities under such section 312(c), there is authorized to be appropriated from the Trust Fund the amount of \$109,350,000 for the fiscal year 1976, including the interim period beginning July 1, 1976, and ending September 30, 1976, \$85,400,000 for the fiscal year 1977, and not less than \$50,000,000 per fiscal year for fiscal years 1978 through 1980, to remain available until expended. The initial \$50,000,000 of any sums appropriated to the Trust Fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research, development, and demonstration activities."

TITLE III—AIRPORT AND AIRWAY TRUST FUND

SEC. 301. AUTHORIZATION FOR EXPENDITURES FROM TRUST FUND.

(a) AMENDMENT OF 1970 ACT.—(1) Subparagraph (A) of section 208(f)(1) of the Airport and Airway Revenue Act of 1970 (49 U.S.C. 1742(f)(1)(A)) is amended to read as follows:

"(A) incurred under title I of this Act or of the Airport and Airway Development Act Amendments of 1976 (as such Acts were in effect on the date of the enactment of the Airport and Airway Development Act Amendments of 1976);"

(2) Section 208(f) of such Act (49 U.S.C. 1742(f)) is amended by striking out "July 1, 1980" each time it appears and inserting in lieu thereof "October 1, 1980".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply to obligations incurred on or after the date of the enactment of this Act. The amendments made by subsection (a)(2) shall be effective on the date of enactment of this Act.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
VANCE HARTKE,
TED STEVENS,
JAMES B. PEARSON,

Managers on the Part of the Senate.

GLENN M. ANDERSON,
JIM WRIGHT,
ROBERT A. ROE,
TENO RONCALIO,
MIKE McCORMACK,
WILLIAM H. HARSHA,
GENE SNYDER,

Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9771), An Act to amend the Airport and Airway Development Act of 1970, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I

SHORT TITLE

House bill

Provides that this Act may be cited as the Airport and Airway Development Act Amendments of 1975.

Senate amendment

The Senate amendment provided that this Act may be cited as the "Airport and Airway Development Act Amendments of 1976".

Conference substitute

The conference substitute is the same as the Senate amendment.

DECLARATION OF POLICY

House bill

Makes a technical amendment to extend the obligational authority from June 30, 1980 to September 30, 1980, and eliminates the overall obligational limitation.

Senate amendment

The Senate amendment increased the obligational authority for airport development grants for the 10-year period ending September 30, 1980, from \$2.5 billion to \$4.695 billion.

Conference substitute

The conference substitute is the same as the House bill.

DEFINITIONS

House bill

Amends the definitions of airport development and airport master planning as follows:

1. The definition of airport development is expanded to permit funds to be used to purchase snow removal equipment and noise suppression equipment, to permit construction of physical barriers and landscaping to diminish noise, and to permit the purchase of land to insure its use for purposes compatible with noise levels at airports.

2. The definition of master planning is expanded to permit funds to be used to plan for the potential use and development of land surrounding an actual or potential airport site.

In addition, the House bill includes definitions of the following:

1. An air carrier airport is defined as a public airport regularly served by an air carrier (other than a supplemental air carrier) certificated under section 401 of the Federal Aviation Act of 1958.

2. A commuter service airport is defined as a general aviation airport served by one or more air carriers, operating under an exemption from section 401(a) of the Federal Aviation Act of 1958 which carriers enplaned not less than 1500 passengers at such airport in the preceding year.

3. A general aviation airport is defined as a public airport other than an air carrier airport.

4. A reliever airport is a general aviation airport which the Secretary of Transportation designates as having a primary function of relieving congestion at an air carrier airport.

Senate amendment

The Senate amendment amended definitions contained in the Airport and Airway Development Act of 1970.

"Airport development" was amended to permit grants to be made not only for airfield projects but also for terminal area development. "Airport development" would include work involving construction, alteration, or repair of terminal building areas directly related to the movement of passengers and their baggage through the airport.

In addition, the new definition would make it possible for grants-in-aid to be used for snow removal equipment, not now authorized under the 1970 law. Noise suppression barriers, devices, and noise suppression landscaping on airport property would be eligible for grants.

"Airport development" was further expanded to include the purchase of land adjacent to airports for the purpose of providing a noise buffer area between the airport boundaries and the surrounding community.

Finally, the definition was expanded to include the development of multimodal passenger terminals to provide a common interchange point with several modes of public transportation.

"Air carrier airport," undefined in the 1970 Act, was defined to include (1) airports which are or will be served regularly by scheduled and supplemental airlines; (2) airports which do not receive certificated airline service but which receive commuter airline service as a substitute, pursuant to a suspension/replacement agreement sanctioned by the Civil Aeronautics Board (CAB); (3) airports in Alaska which

receive certificated service with small aircraft; and (4) an existing public airport regularly served by a State-licensed carrier which operates at the airport turbojet-powered aircraft capable of carrying 30 or more persons.

A new term, "capital improvement program," was defined as a document which identifies and describes all of the airport development projects planned for an airport for a period of not less than 3 successive years and which specifies yearly priorities and annual cost estimates for such projects.

"General aviation airport" was defined as a public airport which is not an air carrier airport.

"Reliever airport" was defined as a general aviation airport which is designated as such by the Secretary and whose primary function is to relieve congestion by diverting general aviation traffic from an air carrier airport.

Conference substitute

The conference substitute is the same as the House bill, except that a commuter service airport is defined as an air carrier airport which (1) is not served by a certificated air carrier, (2) receives regular service by one or more air carriers operating under exemption from section 401(a) of the Federal Aviation Act of 1958, and (3) enplaned not less than 2,500 passengers in the preceding calendar year. The conferees intend by this definition to include any airport at which a certificated air carrier serving such airport has been authorized to suspend service on condition that such service be provided by an air carrier operating under such an exemption, and which meets the above criteria.

The conferees understand that the term airport development includes terminal development. The circumstances under which grants may be made for terminal development are discussed in the section "Terminal Development."

REVISED NATIONAL AIRPORT SYSTEM PLAN

House bill

Requires the Secretary of Transportation to prepare and publish a revised national airport system plan (NASP) by January 1, 1977, which includes a projection of the airport development which will occur at each public airport in the NASP during the succeeding ten-year period, and a listing of the amount of funds expended in each of the fiscal years 1971-1975 for terminal area development in nonrevenue producing public use areas at each air carrier, commuter, and reliever airport in the NASP. In addition, \$2,000,000 is authorized out of the Airport and Airway Trust Fund to prepare and publish such revised NASP.

Senate amendment

The Senate amendment required the Secretary of Transportation to prepare and publish a revised national airport system plan (NASP) by January 1, 1978. The plan was not to be a detailed project-by-project compilation of each airport in the present plan but was to include only those airports which have a role in the national system. The Secretary was required in the revised plan to specify the present and anticipated future role of such airports in the following 10-year period,

and to identify the types of airport development projects considered appropriate during that period. In addition, the Secretary was directed to publish on January 1, 1978, and annually thereafter, his estimates of the cost of achieving the airport development envisioned in such revised plan, including estimates for development which the Secretary considered to be of the highest priority.

Conference substitute

The conference substitute is the same as the House bill except that—

- (1) the revised plan is not required to be completed until January 1, 1978;
- (2) the plan is not required to include a compilation of past expenditures for terminal development;
- (3) in developing the revised plan, the Secretary is specifically required to consult with the Civil Aeronautics Board; and
- (4) the specific authorization of \$2 million to prepare the revised plan is eliminated.

The revision required by this provision is subject to all of the other requirements of section 12 of the Act, including consultation with appropriate Federal, State, and other agencies.

The managers believe that there is need for increased coordination between the FAA and the CAB not only in the revision of the NASP, but also in all other matters for which they have joint responsibilities.

PLANNING GRANTS

House bill

Provides for the same level of funding for planning grants as provided in the 1970 Act. In addition, it makes two changes in the planning grant program. First, the Federal share is increased from 66 $\frac{2}{3}$ percent to 75 percent. Second, the limit in the 1970 Act under which no more than 7.5 percent of the planning funds made available in any year could be granted to sponsors within the same State, would be raised to 10 percent to allow more flexibility in the issuance of planning grants.

Senate amendment

The Senate amendment eliminated the planning grant as a discrete type of grant and placed planning grant authority under the provisions pertaining to airport development grants. Grants for airport system planning and airport master planning would be funded from revenues reserved for airport development grants.

Conference substitute

The conference substitute is the same as the House bill except that the United States share (1) for any airport master planning grant is the same as the share for airport development grants at the particular airport, and (2) for any airport system planning grant is 75 percent.

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

House bill

The Secretary of Transportation is authorized to incur obligations to make grants to sponsors of air carrier airports, for airport development at such airports in the amount of \$385,000,000 for fiscal year 1976,

\$96,250,000 for the transition quarter, \$405,000,000 for fiscal year 1977, \$425,000,000 for fiscal year 1978, \$445,000,000 for fiscal year 1979, and \$465,000,000 for fiscal year 1980.

The Secretary of Transportation is authorized to incur obligations to make grants to sponsors of general aviation airports for airport development at such airports in the amount of \$65,000,000 for fiscal year 1976, \$16,250,000 for the transition quarter, \$70,000,000 for fiscal year 1977, \$75,000,000 for fiscal year 1978, \$80,000,000 for fiscal year 1979, and \$85,000,000 for fiscal year 1980.

The Secretary may not incur an obligation to an airport sponsor after September 3, 1980, and may not incur more than one obligation with respect to any single airport development project.

The Secretary of Transportation is authorized to obligate for expenditure not less than \$250,000,000 per fiscal year for each of the fiscal years 1976, 1977, and 1978, \$62,500,000 for the transition quarter, and \$275,000,000 per fiscal year for each of the fiscal years 1979 and 1980, for the purpose of acquiring, establishing, and improving air navigation facilities.

Authorizes out of the Airport and Airway Trust Fund not to exceed \$50,000,000 for fiscal year 1976, \$12,500,000 for the transition quarter, \$75,000,000 for fiscal year 1977, \$100,000,000 for fiscal year 1978, \$125,000,000 for fiscal year 1979, and \$150,000,000 for fiscal year 1980 for (1) the necessary administrative expenses of the Secretary of Transportation in administering certain of the programs funded under the Amendments of 1976, (2) costs of services provided under international agreements relating to the joint financing of air navigation services which are assessed against the United States Government, and (3) the direct costs and administrative expenses of the Secretary incident to servicing airway facilities, excluding the cost of engineering support and planning, direction and evaluation activities.

Senate amendment

The Senate amendment authorized the Secretary of Transportation to incur obligations to make airport development grants to sponsors of air carrier and reliever airports and to all airport sponsors for airport system planning to serve all classes of civil aviation. Such grants were authorized in the amount of \$625 million for fiscal year 1976 and the transition quarter, \$535 million for fiscal year 1977, \$570 million for fiscal year 1978, \$605 million for fiscal year 1979, and \$640 million for fiscal year 1980.

The Secretary of Transportation was authorized to incur obligations to make grants to sponsors of general aviation airports for airport development in the amount of \$50 million for fiscal year 1976 and the transition quarter, \$45 million for fiscal year 1977, \$50 million for fiscal year 1978, \$55 million for fiscal year 1979, and \$60 million for fiscal year 1980.

The Secretary of Transportation was not permitted to incur an obligation to an airport sponsor after September 30, 1980, or to incur more than one obligation with respect to any single airport development project.

The Secretary of Transportation was authorized to obligate for expenditure not less than \$250 million per fiscal year for each of the

fiscal years 1976, 1977, 1978, 1979, and 1980 and not less than \$62,500,000 for the transition quarter for the purpose of acquiring, establishing, and improving air navigation facilities.

The Senate amendment authorized for appropriation from the Airport and Airway Trust Fund not to exceed \$150 million for fiscal year 1976 and the transition quarter, \$300 million for fiscal year 1977, \$325 million for fiscal year 1978, \$350 million for fiscal year 1979, and \$375 million for fiscal year 1980 for the (1) costs assessed against the U.S. Government for services provided under international agreements relating to the joint financing of air navigation services, and (2) direct costs incurred by the Secretary of Transportation to flight check and maintain air navigation facilities in a safe and efficient condition (except that such maintenance costs shall exclude the costs of engineering support and planning, direction, and evaluation activities). The Secretary was required to submit an annual report to the appropriate congressional committees on activities proposed to be financed with the funds set forth in this provision.

Conference substitute

The conference substitute—

Provides obligatory authority for airport development grants at air carrier airports in the following amounts: \$435 million for fiscal year 1976, including the transition quarter, \$440 million for fiscal year 1977, \$465 million for fiscal year 1978, \$495 million for fiscal year 1979, and \$525 million for fiscal year 1980.

Provides obligatory authority for airport development grants at general aviation airports in the following amounts: \$65 million for fiscal year 1976, including the transition quarter, \$70 million for fiscal year 1977, \$75 million for fiscal year 1978, \$80 million for fiscal year 1979, and \$85 million for fiscal year 1980.

Provides not less than \$312,500,000 for fiscal year 1976, including the transition quarter, and not less than \$250 million per fiscal year for fiscal years 1977 through 1980 for the purpose of acquiring, establishing, and improving air navigation facilities.

Authorizes appropriations from the Airport and Airway Trust Fund at a level not to exceed \$250 million for fiscal year 1977, \$275 million for fiscal year 1978, \$300 million for fiscal year 1979, and \$325 million for fiscal year 1980, for costs of air navigation services provided under international agreements and direct costs incurred to flight check and maintain air navigation facilities as provided for in the Senate amendment. No money is authorized to be appropriated from the Airport and Airway Trust Fund for maintaining air navigation facilities for fiscal year 1976, including the transition quarter.

Provides that to the extent that funds which are authorized by this legislation to be obligated for airport development grants in any fiscal year are obligated by the Secretary in an amount less than the authorized obligation level, the amount which can be obligated or expended from the Airport and Airway Trust Fund for maintenance costs of the airways system is proportionately reduced.

Provides that funds for airport development grants authorized or authorized to be obligated at the discretion of the Secretary for fiscal year 1980 may not be obligated or otherwise expended except in accordance with a statute enacted after the date of enactment of this Act.

DISTRIBUTION OF FUNDS

House bill

Provides that 66 $\frac{2}{3}$ percent of the money available for air carrier airports served by aircraft weighing more than 12,500 pounds be apportioned on the basis of a new enplanement formula with each such airport receiving not less than \$150,000 and not more than \$10,000,000 for each fiscal year. The remaining 33 $\frac{1}{3}$ percent of the money is available for distribution at the discretion of the Secretary of Transportation to air carrier airports.

Transfers reliever airports from the air carrier to the general aviation airport category for purposes of apportionment and adds a new class of airports (commuter service airports) to the general aviation airport category. \$25,000,000 of the funds made available for apportionment to general aviation airports is set aside for distribution at the discretion of the Secretary of Transportation to commuter and reliever airports. The remaining amount is apportioned 75 percent to the States on the basis of area and population and 24 percent at the discretion of the Secretary, with 1 percent distributed to the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the other Territories.

Requires the Secretary of Transportation to announce to sponsors, states and equivalent jurisdictions, at least 6 months prior to the beginning of a fiscal year, the amount of the apportionment to be made.

Senate amendment

The Senate amendment set forth the formula by which airport development grant funds were to be apportioned among publicly owned airports in the United States. An air carrier airport would receive no less than \$150,000 and no more than \$10 million for eligible projects each fiscal year.

The formula divided the grant moneys for air carrier airports into thirds. Two-thirds of the total would be apportioned in accordance with the number of passengers enplaned at each air carrier airport. The remaining one-third was to be apportioned among the air carrier airports at the discretion of the Secretary.

The Senate amendment provided the same apportionment formula for general aviation airports contained in the 1970 Act. Seventy-five percent of the general aviation airport funds would be apportioned among the States according to the State area/population formula. One percent of the moneys would be reserved for general aviation airports in the territories and possessions of the United States, and 24 percent would be apportioned among general aviation airports at the discretion of the Secretary.

The Senate amendment required the Secretary to inform each air carrier airport sponsor and the Governor of each State by April 1 of each year the estimated amount of apportionment to be made on or before October 1 of that year.

Conference substitute

The conference substitute adopts the general formula in both bills by providing for annual apportionments by the Secretary to sponsors of air carrier airports (except commuter service airports) based on the number of annual passenger enplanements at the airport. The House bill's requirement that the airport be served by aircraft heavier than 12,500 pounds is eliminated.

No air carrier airport (other than a commuter service airport) (1) which is served by aircraft heavier than 12,500 pounds or (2) which was served by such aircraft on or after September 30, 1968, but which is now served by aircraft 12,500 pounds or less shall receive less than \$187,500 or more than \$12,500,000 for fiscal year 1976, including the transition quarter, and less than \$150,000 or more than \$10,000,000 per fiscal year thereafter through 1980. No air carrier airport served by aircraft weighing 12,500 pounds or less which, since September 29, 1968, has never been regularly served by heavier aircraft shall receive less than \$62,500 or more than \$12,500,000 for fiscal year 1976, including the transition quarter, and less than \$50,000 or more than \$10 million per fiscal year thereafter through 1980.

Amounts designated for air carrier airports that are not apportioned under the enplanement formula described above are to be distributed at the discretion of the Secretary from the amounts to be distributed at the Secretary's discretion. \$18,750,000 for fiscal year 1976, including the transition quarter, and \$15 million per fiscal year thereafter through 1980 are to be distributed to commuter service airports and the remainder to air carrier airports (including commuter service airports).

Amounts authorized for general aviation airports would be apportioned annually as provided in the House bill after first deducting \$18,750,000 in fiscal year 1976, including the transition quarter, and \$15 million per fiscal year thereafter through 1980. The amounts so deducted are to be distributed to reliever airports at the discretion of the Secretary.

Funds apportioned for fiscal year 1976, including the transition quarter, are available for obligation for the same period of time as if they had been apportioned for only fiscal year 1976.

In apportioning funds to air carrier airports (other than commuter service airports) for fiscal year 1976, including the transition quarter, the Secretary is directed to increase the number of enplanements at each airport by 25 percent, since this apportionment is based on a 15 month period.

The conference substitute adopts the provision requiring the Secretary to give 6-month notice to each air carrier airport sponsor and to the State Governor of the estimated amount of the apportionments to be made that year.

The term "passengers enplaned" is unchanged from the 1970 Act. Under the 1970 Act the Secretary collects data on the United States domestic, territorial and international revenue passenger enplanements in scheduled and non-scheduled service of air carriers and foreign air carriers. Included are revenue passengers of certificated route air carriers, commuter air carriers (intrastate and interstate), foreign flag air carriers, air taxi operators (intrastate and interstate), and intrastate carriers.

PROJECT APPROVAL

House bill

This provision together with the provision on multiyear projects would permit a sponsor to submit a single project application covering several multiyear projects. Approval by the Secretary would commit the Federal Government to fund those several projects over a number of years with the sponsor's entitlement based on the enplanement for-

mula. In addition, the sponsor's application could contain several single-year projects, as well as several multiyear projects, all of which would begin in the fiscal year for which the application is approved. This section, however, does not permit the Secretary to approve projects which would commence in ensuing fiscal years.

In addition, after June 30, 1975, no project application shall propose airport development except in connection with certain enumerated airports included in the current revision of the NASP.

Finally, the Secretary is authorized to make grants for not to exceed 75 percent of the cost of developing standards (other than standards for safety of approaches) for airport development at general aviation airports.

The Secretary may approve such standards and, upon approval, such standards would be applicable in lieu of any comparable Federal standards. The approved standards may be revised, from time to time, as the State or Secretary determines necessary, subject to approval of such revisions by the Secretary. The aggregate of all grants made to any State shall not exceed \$25,000. This provision would not relieve the Secretary from the responsibility for developing and enforcing safety requirements.

Senate amendment

The Senate amendment permitted an air carrier airport sponsor to develop a capital improvement program describing one or more proposed airport development projects, listed in order of priority, which the sponsor would accomplish in 3 years. The Secretary's approval of a capital improvement program was to be considered approval of each project identified in the program, and the sponsor could implement each project without obtaining separate approval of each one.

The Senate amendment provided that until July 1, 1975, no airport development could be proposed in a project application if the airport development was not included in the then-current national airport system plan. After January 1, 1978, no project application was to propose airport development which is inconsistent with the revised national airport system plan written pursuant to this legislation. Proposed airport development must comply with standards promulgated by the Secretary, and proposed terminal area development could be approved by the Secretary only if the airport sponsor certified that all the safety and certification equipment required by section 612 of the Federal Aviation Act had been installed.

Finally, the Senate amendment provided that in determining compliance with the requirements of the Airport and Airway Development Act of 1970, the Secretary may accept from sponsors conclusionary certifications that they have complied with or will comply with all statutory and administrative requirements under this Act and the Airport and Airway Development Act of 1970 (as amended) in connection with airport development projects.

Conference substitute

The conference substitute generally follows the House bill except that—

- (1) After June 30, 1975, no project application shall propose airport development except at the following types of airports

listed in the revised National Airport System Plan; (1) air carrier airports, (2) commuter service airports, (3) reliever airports and (4) certain general aviation airports. The purpose of this provision is to enable the Secretary to limit the NASP to those airports at which federally-assisted airport development can be anticipated during the ten-year period beginning January 1, 1978, the date established for publication of the revised NASP.

(2) The Senate concept regarding certifications from sponsors assuring their compliance with all applicable ADAP requirements is adopted, but is clarified to provide that the certifications are limited to those statutory and administrative requirements imposed upon a sponsor or planning agency, and the Secretary is to continue to be required to meet Federal requirements imposed by Federal laws, including but not limited to, the National Environmental Policy Act of 1969, Section 4(f) of the Department of Transportation Act, title VI of the Civil Rights Act of 1964, title VIII of the Act of April 11, 1968, and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970. Such a certification is valid not only for requirements applicable prior to grant approval, but prospectively as well. Once a certification is made, no additional certification is required by a sponsor for any activity during the life of the project for which such certification has been submitted.

UNITED STATES SHARE

House bill

Increases the Federal share of airport development project costs for large hub airport sponsors from 50 percent to 75 percent. Also increases the Federal share of planning grants from 66 $\frac{2}{3}$ to 75 percent. The Federal share of safety and security equipment costs is generally decreased from 82 percent to 75 percent.

Senate amendment

The Senate amendment increased the U.S. share for all projects other than airport terminal development and airport system planning projects to (1) 90 percent at airports enplaning less than one-fourth of 1 percent of the total number of passengers enplaned each year and for reliever and other general aviation airports, and (2) 75 percent for all other airports.

The U.S. share for airport system planning grant projects was increased to 75 percent.

The U.S. share for airport terminal development was provided in the section entitled "Terminal Development," and will be discussed in that section.

Conference substitute

The conference substitute generally follows the Senate amendment. The U.S. share for fiscal year 1976, the transitional quarter, fiscal year 1977 and fiscal year 1978 shall be 90 percent in the case of air carrier airports which enplane less than one-fourth of 1 percent of the total passengers enplaned at all air carrier airports, and in the case of general aviation airports, reliever airports, and commuter service airports.

For fiscal years 1979 and 1980, the U.S. share shall be 80 percent for the above airports.

At all other airports the U.S. share shall be 75 percent.

PROJECT SPONSORSHIP

House bill

Sponsors, in making decisions to undertake airport development, would be required to consult with air carriers and fixed-base operators using the airport. The term "fixed-base operator" includes those aviation-related businesses with permanent offices and facilities at an airport, such as aircraft distributors and dealers, aircraft rentals, flight training schools, mechanic schools, aviation maintenance, avionics sales and maintenance, aviation schools and businesses providing fueling, services, tiedown and hangar storage.

Sponsors would be prohibited from engaging in the practice of including funds received under the Federal Airport Act or the Airport and Airway Development Act in their rate base when establishing rates and charges for airport users.

Sponsors would be prohibited from charging discriminatory rates, fees, rentals, and other charges to airport businesses which make the same or similar uses of such airport utilizing the same or similar facilities.

Senate amendment

In deciding whether to undertake specific airport development projects, the airport sponsor was required to consult with air carriers serving the airport.

An airport sponsor was prohibited from including in his rate base for establishing fees and charges for any airport users any part of the U.S. share in an airport development project.

The Senate amendment also required that each certificated air carrier be subject to nondiscriminatory and substantially comparable rates and regulations applicable to all carriers making similar use of the airport and facilities. This provision was made subject to reasonable classifications such as tenants/nontenants. This provision did not require the reformation of any contract or lease entered into prior to March 1, 1976.

Conference substitute

The conference substitute is essentially the same as the House bill, except that—

(1) air carrier airport sponsors are required to consult with air carriers concerning proposed projects and general aviation airport sponsors are required to consult with fixed-base operators concerning proposed projects; and

(2) the prohibition on discriminatory rates and regulations was modified to provide that (A) all certificated air carriers shall be subject to nondiscriminatory and substantially comparable rates and regulations; and (B) each fixed-base operator making similar use of a general aviation airport shall be subject to the same rates and other charges that are uniformly applicable to all other fixed-base operators. These provisions shall not require the reformation of a contract or lease entered into by an airport before the date of enactment of this legislation for (A), and before July 1, 1975, for (B).

MULTIYEAR PROJECTS

House bill

This section, together with the provision on project approval, authorizes a sponsor to submit a single project application covering several multiyear projects. Approval by the Secretary would commit the Federal Government to fund those several projects over a number of years with the sponsor's entitlement based on the enplanement formula. In addition, the sponsor's application could contain several single-year projects, as well as several multiyear projects, all of which would begin in the fiscal year for which the application is approved. This section, however, does not permit the Secretary to approve projects which would commence in ensuing fiscal years.

Senate amendment

The amendment authorized the Secretary to obligate funds for more than one fiscal year if he approved a project application for a project which will not be completed within 1 year.

In regard to projects included in an airport sponsor's capital improvement program which has been approved by the Secretary, funds apportioned to an airport would become obligations of the United States to be used to implement the capital improvement program.

Conference substitute

The conference substitute is the same as the House bill.

Perhaps the most serious complaint about the present program is the lack of assurance airport sponsors have that the Federal commitment on a given project will continue beyond the one year grant. Major airport projects cannot be completed within one year, and it is unrealistic to expect sponsors to undertake a multi-year project without firm assurance that the Federal assistance will be continued until the project is completed. To require sponsors to do otherwise forces them to base financial plans and predictions on an uncertain foundation. If the objectives of the program are to be achieved, something beyond a 1 year commitment authority must be given to the Secretary.

This section addresses this problem by allowing the Secretary to approve a single application for a project which may take several years, and thus grant to the sponsor a commitment that the apportionment of future year obligations will be made available to approved multi-year projects. Under this section, approval by the Secretary of a project would commit the Federal Government, subject to apportionment of the enplanement formula moneys in each year, to continue the project in future years.

This section, when coupled with the section on project approval (which states that a project application may contain several projects), would also permit a sponsor to submit a single project application covering several multi-year projects. Approval by the Secretary would commit the Federal Government to fund those several projects over a number of years with the sponsor's entitlement based on the enplanement formula. In addition, the sponsor's application could contain several single-year projects, as well as several multi-year projects, all of which would begin in the fiscal year for which the application is approved. This section, however, does not permit the Secretary to approve projects which would commence in ensuing fiscal years.

This authority should aid a sponsor in two ways. First, a sponsor who submits an application in the transition quarter or in any fiscal year which includes multi-year projects and receives the Secretary's approval, would be assured of Federal financial assistance for such projects through fiscal year 1980, subject to apportionments of the enplanement formula moneys in each year.

Second, the law is clarified to specifically permit a sponsor to consolidate all projects for which Federal funds are sought into a single application.

GRANT AGREEMENT CONDITIONS (SST)

House bill

Provides that for the six-month period after the date of enactment of this Act every offer of a grant shall be conditioned upon the sponsor not permitting the landing of, except for emergencies, any civil supersonic aircraft generating noise in excess of the level now prescribed for new subsonic aircraft. Penalty for failure to comply with such grant condition requires immediate repayment of the grant and ineligibility of that sponsor and that airport for any future grants.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute does not contain the House provision.

TERMINAL DEVELOPMENT

House bill

Authorizes terminal development to be eligible for Federal funding under this program. Terminal area development eligibility for Federal funding would be subject to several restrictions. First, it would be limited to air carrier airports. Second, prior to approval of a terminal-related project, the sponsor must certify that the airport has met all safety and security equipment requirements. Third, for terminal development, the sponsor could only use funds out of the airport's enplanement apportionment, and no more than 30 percent of such apportionment for any fiscal year. Fourth, allowable terminal development would be limited to the following nonrevenue producing public use areas: baggage claim delivery areas and automated baggage handling equipment; corridors connecting boarding areas and vehicles for the movement of passengers between terminal buildings or between terminal buildings and aircraft; central waiting rooms, restrooms, and holding areas; and, foyers and entryways. Fifth, the Federal share of terminal development projects would be limited to 50 percent.

The terminal area development provision is retroactive for terminal development carried out between July 1, 1970, and the date of enactment of the provision. Once a sponsor certifies that safety and security equipment requirements were met, enplanement funds would be made available subject to the previously discussed limitations, for the immediate retirement of the principal (not interest) of bonds or other evidence of indebtedness, the proceeds of which were used to pay the cost of eligible terminal development.

Senate amendment

The Senate amendment made terminal development projects eligible for Federal assistance on the basis of a 50 percent U.S. share for the cost of constructing, altering, repairing, or acquiring public use airport passenger terminal buildings or facilities (including passenger transfer vehicles) directly related to the movement of passengers and baggage within the airport boundaries.

Projects for multimodal passenger terminal buildings or facilities were eligible for 75 percent Federal assistance. No airport could receive grants for terminal development unless it established a terminal enplaning and deplaning facility for general aviation passengers.

In addition, Federal inspection agencies were required to pay sponsors for space used for inspecting passengers and baggage in foreign air transportation to the extent these facilities were not paid for under this provision.

Conference substitute

Terminal development, including multimodal terminal development, and the construction, improvement, or repair of airport passenger terminal buildings, or of facilities (including passenger transfer vehicles) which are directly related to the movement of passengers and baggage within the airport boundaries, would be eligible for Federal assistance subject to the following conditions:

(1) Terminal area development grants are limited to air carrier airports, other than commuter service airports.

(2) In order to qualify for such grants, the airport must meet all safety and security requirements under section 612 of the Federal Aviation Act of 1958.

(3) The airport must have provided for terminal area access to passengers enplaning or deplaning from general aviation aircraft.

(4) Only funds apportioned on the basis of enplaned passengers would be available for terminal development project costs.

(5) Not more than 60 percent of such amount may be used for this purpose in any fiscal year.

(6) The Federal share would be 50 percent of the project costs.

(7) The allowable terminal development would be limited to nonrevenue producing public use areas at the airport which are directly related to the movement of passengers and baggage in air commerce within the boundaries of the airport.

Funds available for terminal development may be used for retirement of bonds or other evidences of indebtedness the proceeds of which were used for terminal development on or after July 1, 1970, and before the date of enactment of this provision, to the extent that terminal development is otherwise allowable under this provision subject to the condition that—

(1) The airport must meet all safety, security, and accessibility requirements,

(2) The Secretary must determine that no airfield development project will be deferred because of the use of these funds for the retirement of debt, and

(3) No additional terminal development projects may be funded for three years after such moneys are used for debt retirement.

Funds may be used to retire that part of the debt used for so much of the terminal development as has been carried out, notwithstanding that the total terminal development has not yet been completed.

STATE DEMONSTRATION PROGRAMS

House bill

Authorizes the Secretary, upon determining that a State is capable of managing a demonstration program for general aviation airports in that State, to grant to such State funds apportioned to it under the State area and population formula and any part of the discretionary funds available for general aviation airport development.

The State officials, in turn, would then make grants to airport sponsors in the same manner, and subject to the same conditions applying to grants made by the Secretary.

The Secretary would select up to eleven States for the demonstration. He may not initiate any such program after January 1, 1977. The Secretary shall report the results of the demonstration program to Congress by March 31, 1978.

Senate amendment

The Senate amendment authorized a State demonstration program for grants to States for the purpose of administering U.S. grants for general aviation airports. The provision for demonstration programs was made subject to the following limitations:

(1) No Federal funds could be used to administer the demonstration program.

(2) The State's participation in the program must be specifically authorized by the State legislature, except, under certain circumstances, it may be authorized by the Governor.

(3) To be selected for the program the State must have appropriated and expended State funds for the development of general aviation airports within each of the 5 fiscal years preceding the State's application to participate in the program.

(4) The State legislature must have authorized the appropriation of State funds for development of general aviation airports during the demonstration program period.

(5) No more than three States could participate in the demonstration program.

(6) No demonstration program could be initiated after January 1, 1977, and no grant could be made to any State after September 30, 1978.

Conference substitute

The conference substitute is similar to the Senate amendment except that:

(1) The number of States which may participate in a demonstration program is increased to four; and

(2) The eligibility requirement that a State appropriate and expend State funds for the capital development of general aviation airports during the 5 years preceding the State's application is eliminated.

The managers intend that an interstate agency created by a compact, such as the Port Authority of New York and New Jersey, will be considered a State agency for purposes of this provision to the extent it operates within a State.

AIR CARRIER AIRPORT DESIGNATION

House bill

Provides that an airport continue to be designated as an air carrier airport if serving a city at which all CAB certificated service has been replaced by intrastate service with jet aircraft capable of carrying 30 or more passengers.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is essentially the same as the House bill.

RESTRICTION ON FUTURE OBLIGATION

House bill

Provides that funds authorized for fiscal years 1979 and 1980 shall not be expended except in accordance with a subsequently enacted statute.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute provides that funds authorized, or authorized to be obligated, at the discretion of the Secretary may not be obligated or otherwise expended in fiscal year 1980, except in accordance with a statute enacted after the date of enactment of this Act.

This provision has been incorporated in the amendments to section 14(b)(2) of the Airport and Airway Development Act.

CIVIL RIGHTS

House bill

Requires the Secretary to take affirmative action to insure that no person is excluded from participating in any activity conducted with funds received from any grant made under the Airport and Airway Development Act on the grounds of race, creed, color, national origin, or sex. He is required to promulgate necessary rules to enforce this provision.

Senate amendment

Same provision.

Conference substitute

The conference substitute is the same as the House bill and the Senate amendment.

PURCHASE REPORTS

House bill

Makes a technical amendment to section 303 of the Federal Aviation Act of 1958 to insert the appropriate committee.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute adopts the House provision.

AIRPORT STUDY

House bill

Requires the Secretary of Transportation to complete by January 1, 1977, a study of airports which may be in danger of closing. The study would include identification of existing airports in danger of being converted to non-aviation uses, those which should be preserved in the public interest, and the Secretary's recommendations for preserving them.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the same as the House bill, except that the date for the completion of the study is advanced to January 1, 1978.

CIVIL AVIATION INFORMATION DISTRIBUTION PROGRAM

House bill

Directs the Secretary, acting through the Administrator of the Federal Aviation Administration, to establish a civil aviation information distribution program within each FAA region. The program is to provide officials of education and civic organizations with informational materials and expertise on various aspects of civil aviation as one means of promoting broader understanding of aviation as a transportation mode of growing importance in our total, integrated transportation system.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the same as the House provision.

FLIGHT SERVICE STATION CLOSURES

House bill

Prohibits the Secretary from closing or operating by remote control any existing flight service station operated by the FAA. Exception is made for part-time operation by remote control during low-activity periods and in not more than one air route traffic control center area, at the discretion of the Secretary, not more than five flight service stations may be closed or operated by remote control from such air route traffic control center for the purpose of demonstrating the quality and effectiveness of service at a consolidated flight service station facility.

Senate amendment

No comparable provision.

Conference substitute

For 3 years, the Secretary is prohibited from closing or operating by remote control any existing flight service station except for part-time operation by remote control during low-activity periods and for demonstration purposes not more than 5 flight service stations may be

closed or operated by remote control from not more than 1 air route traffic control center. This does not preclude physical separation of a combined flight service station and tower facility, the operation by remote control of the flight service station portion of a combined flight service station and tower facility from another flight service station, or the relocation of an existing flight service station within the same flight service area if such station provides the same service to airmen without interruption.

DEMONSTRATION PROJECTS

House bill

Authorizes demonstration projects related to ground transportation services to airports to improve ground access to terminals. Priority is to be given to those projects with existing regional rapid transit systems close to such airports which include connection of the terminal to such systems, are in accord with approved regional airport system plans, and which improve access to air transport by encouragement of an optimum balance of use of available airports.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the same as the House bill except that \$3 million is specifically authorized to be appropriated from the general revenues of the United States for the purpose of a multimodal terminal building and facilities demonstration project in South Bend, Indiana.

COMPENSATION FOR REQUIRED SECURITY MEASURES IN FOREIGN AIR TRANSPORTATION

House bill

Authorizes the Secretary to reimburse U.S. air carriers for expenses incurred in the preflight screening of international passengers as required by the Air Transportation Security Act of 1974. That Act requires the airlines to undertake security procedures for protection of passengers.

The bill authorizes appropriations from the Airport and Airway Trust Fund of \$3,000,000 a year for the three fiscal years of 1976, 1977 and 1978 (and \$750,000 for the interim fiscal period) for reimbursement of security expenses for international passengers.

The amount of reimbursement to each carrier would be reduced by the amount by which domestic security charges exceed expenses.

Senate amendment

The Senate amendment had a similar provision except that appropriations were authorized to be made from general revenues rather than from the trust fund.

Conference substitute

The conference substitute is the same as the House bill.

CHARGES FOR GOVERNMENT INSPECTION

House bill

No comparable provision.

Senate amendment

The Senate bill provided that the cost of any inspection or quarantine service which is required to be performed by the Federal Government or any agency thereof, at airports of entry or other places of inspection as a consequence of the operation of aircraft, and which is performed during regularly established hours of service on Sundays or holidays, shall be reimbursed by the aircraft owners or operators only to the same extent as if such service had been performed during regularly established hours of service on weekdays. Notwithstanding any other provision of law, administrative overhead costs associated with any inspection or quarantine service required to be performed by the U.S. Government, or any agency thereof, at airports of entry as a result of the operation of aircraft, shall not be assessed against the owners or operators thereof.

Conference substitute

The conference substitute is essentially the same as the Senate amendment, except that the effective date has been delayed to January 1, 1977, in order to permit the agencies involved the time necessary to review manpower scheduling requirements.

The managers intend that aircraft entering the United States on Sundays and holidays, during hours which would be considered normal daytime work hours on weekdays, such as 8 a.m. to 5 p.m. or 9 a.m. to 6 p.m., which hours may vary from port of entry to port of entry, not be assessed any charges or fees which are not assessed for inspections services during normal daytime working hours on weekdays. The managers further intend that the quality of the inspection services on Sundays and holidays, following enactment of this provision, shall not be diminished.

AIRPORT SECURITY IN ALASKA

House bill

No comparable provision.

Senate amendment

The Senate amendment authorized the Administrator of the Federal Aviation Administration to exempt from the airport security procedures of the Federal Aviation Act of 1958 those airports in Alaska which are served only by certificated air carriers operating aircraft weighing less than 12,500 pounds.

Conference substitute

The conference substitute is the same as the Senate amendment with the additional requirement that to be eligible for exemption, an airport must not enplane any passenger or property to be carried in the cabin which is moving in interstate, overseas, or foreign air transportation and which will not be subject to security screening before leaving Alaska.

AIR TRANSPORTATION OF PERSONS OR PROPERTY

House bill

No comparable provision.

Senate amendment

The Senate amendment amended section 401 of the Federal Aviation Act of 1958 to provide that transportation of persons or property in interstate air transportation between two places within the United States or between a place in the United States and a place outside thereof, procured by or under contract with any department or agency of the United States (including the Department of Defense) shall be provided exclusively by air carriers holding certificates under section 401.

Conference substitute

The conference substitute provides that transportation of persons or property by transport category aircraft in interstate air transportation procured by the Department of Defense through contracts of more than 30 days duration for airlift service within the United States is to be provided exclusively by air carriers who have or offer to place aircraft in the Civil Reserve Air Fleet and who hold certificates under section 401 of the Federal Aviation Act of 1958.

The term "transport category aircraft" used in this provision means aircraft having 75,000 pounds or more maximum certificated gross takeoff weight.

Applications for certification under such section 401 (a) for purpose of providing this service shall be acted on expeditiously by the Board.

The managers interpret the term "expeditiously" to require that the Board act on applications for certification under section 401 (a) of the Act on a priority basis. The managers do not intend that in proceedings for such certification, the Board must consider separately from the other issues involved, the issue of authority to provide contract airlift service for the Department of Defense. Conversely, the managers do not intend to restrict the Board's discretion in determining what issues should be considered in such proceedings.

In the event that certificated air carriers are not capable of and willing to supply the airlift service referred to in this section for the Department of Defense, the provision authorizes the Department of Defense to utilize non-certificated air carriers to provide such service.

For purposes of this provision, it is intended that the carriage of persons and property from one point in a State to another point in that State which carriage is wholly within that State (except for flight across international waters) is not to be considered as interstate air transportation.

REDUCTION OF NONESSENTIAL EXPENDITURES

House bill

No comparable provision.

Senate amendment

The Senate amendment required consultation between the Secretary of Transportation and the users of the air transportation system, at least annually, regarding ways to reduce nonessential Federal expenditures on aviation.

Conference substitute

The conference substitute is the same as the Senate amendment.

ISSUANCE OF AIRPORT OPERATING CERTIFICATES

House bill

No comparable provision.

Senate amendment

The Senate amendment amended section 612(b) of the Federal Aviation Act of 1958 to eliminate the specific reference to firefighting and rescue equipment as one of the terms, conditions, and limitations in airport operating certificates.

Conference substitute

The conference substitute provides that the Federal Aviation Administration may exempt small-hub and nonhub air carrier airports from the requirements of firefighting and rescue equipment of the airport certification requirements if the Administrator finds that such requirements are (or would be) unreasonably costly, burdensome, or impractical.

SPECIAL STUDIES

House bill

No comparable provision.

Senate amendment

The Secretary was required to conduct studies with respect to (1) land bank planning and development for existing and future airports, (2) the establishment of new major airports, and (3) sound-proofing schools, hospitals, and public health facilities near airports. A report was required to be submitted to Congress within 1 year after the date of enactment of this legislation.

Conference substitute

The conference substitute is the same as the Senate amendment.

TITLE II

RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES

House bill

Authorizes demonstration projects in connection with research and development activities and authorizes from the Trust Fund \$85,400,000 for fiscal year 1976, and \$23,950,000 for the transition quarter. The first \$50,000,000 of any amounts appropriated to the Trust Fund are to be allocated to research, development, and demonstration activities.

Senate amendment

The Senate amendment was the same as the House bill, except that the Secretary may obligate not less than \$50 million for each of the fiscal years ending in 1971 through 1980 and not less than \$12,500,000 for the transition quarter.

Conference substitute

The conference substitute authorizes demonstration projects in connection with research and development activities under section 312(c)

of the Federal Aviation Act of 1958 and authorizes from the Trust Fund \$109,350,000 for fiscal year 1976, including the transition quarter, \$85,400,000 for fiscal year 1977, and not less than \$50,000,000 per fiscal year thereafter through fiscal year 1980. The first \$50,000,000 of any amounts appropriated to the Trust Fund shall be allocated to research, development, and demonstration activities.

TITLE III

AIRPORT AND AIRWAY TRUST FUND

House bill

Amends section 208(f)(1)(A) of the Airport and Airway Revenue Act of 1970 to make amounts in the Trust Fund available, as provided by appropriations Acts, for making expenditures after June 30, 1970, and before July 1, 1980, to meet those obligations of the United States incurred under title I of the Airport and Airway Development Act of 1970 or of the Airport and Airway Development Act Amendments of 1975 (as in effect on the date of enactment of such act of 1975). The amendment made to the Revenue Act is to apply to obligations incurred on or after the date of enactment of the Airport and Airway Development Act Amendments of 1975.

Senate amendment

The Senate amendment was the same as the House bill, except that in conformity with the change in the fiscal year, it substituted the date October 1, 1980 for July 1, 1980.

Conference substitute

The conference substitute is the same as the Senate amendment.

GLENN M. ANDERSON,
JIM WRIGHT,
ROBERT A. ROE,
TENO RONCALIO,
MIKE McCORMACK,
WILLIAM H. HARSHA,
GENE SNYDER,

Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
VANCE HARTKE,
TED STEVENS,
JAMES B. PEARSON,

Managers on the Part of the Senate.

AIRPORT AND AIRWAY DEVELOPMENT ACT
AMENDMENTS OF 1976

JUNE 23 (legislative day, JUNE 18), 1976.—Ordered to be printed

Mr. CANNON, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 9771]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9771) to amend the Airport and Airway Development Act of 1970, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Airport and Airway Development Act Amendments of 1976".

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT
AMENDMENTS

DECLARATION OF POLICY

Sec. 2. Section 2 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1701) is amended by striking out "June 30, 1980," the first place it appears and inserting in lieu thereof "September 30, 1980," and by striking out everything after "\$250,000,000."

(1)

DEFINITIONS

SEC. 3. (a) Section 11 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended as follows:

(1) Paragraph (2) is amended by—

(A) striking out “and (B)” and inserting in lieu thereof “and including snow removal equipment, and including the purchase of noise suppressing equipment, the construction of physical barriers, and landscaping for the purpose of diminishing the effect of aircraft noise on any area adjacent to a public airport, (B)”;

(B) striking out the period at the end thereof and inserting in lieu thereof “, and (C) any acquisition of land or of any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport.”.

(2) Paragraph (4) is amended by adding after “feasibility studies,” the following: “including the potential use and development of land surrounding an actual or potential airport site.”.

(3) Before paragraph (1), add the following new paragraph:

“(1) ‘Air carrier airport’ means an existing public airport regularly served, or a new public airport which the Secretary determines will be regularly served, by an air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (other than a supplemental air carrier), and a commuter service airport.”.

(4) After paragraph (5), add the following new paragraphs:

“(6) ‘Commuter service airport’ means an air carrier airport which is not served by an air carrier certificated under section 401 of the Federal Aviation Act of 1958 and which is regularly served by one or more air carriers operating under exemption granted by the Civil Aeronautics Board from section 401 (a) of the Federal Aviation Act of 1958 at which not less than two thousand five hundred passengers were enplaned in the aggregate by all such air carriers from such airport during the preceding calendar year.

“(7) ‘General aviation airport’ means a public airport which is not an air carrier airport.”.

(5) After paragraph (12), add the following new paragraph:

“(13) ‘Reliever airport’ means a general aviation airport designated by the Secretary as having the primary function of relieving congestion at an air carrier airport by diverting from such airport general aviation traffic.”.

(b) Section 11 of the Airport and Airway Development Act of 1970 is amended by renumbering the paragraphs of such section as paragraphs (1) through (21), respectively, and renumbering all references to such paragraphs accordingly.

REVISED NATIONAL AIRPORT SYSTEM PLAN

SEC. 4. Section 12 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712) is amended by adding at the end thereof the following new subsection:

“(i) REVISED SYSTEM PLAN.—No later than January 1, 1978, the Secretary shall consult with the Civil Aeronautics Board and with each State and airport sponsor, and, in accordance with this section, prepare and publish a revised national airport system plan for the development of public airports in the United States. Estimated costs contained in such revised plan shall be sufficiently accurate so as to be capable of being used for future year apportionments. In addition to the information required by subsection (a), the revised plan shall include an identification of the levels of public service and the uses made of each public airport in the plan, and the projected airport development which the Secretary deems necessary to fulfill the levels of service and use of such airports during the succeeding ten-year period.”.

PLANNING GRANTS

SEC. 5. Section 13 (b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1713) is amended as follows:

(1) The side heading is amended by striking out “APPORTIONMENT” and inserting in lieu thereof “LIMITATION”.

(2) Paragraph (1) is amended by striking out “\$75,000,000 and” and inserting in lieu thereof “\$150,000,000.”.

(3) Paragraph (2) is amended to read as follows:

“(2) The United States share of any airport master planning grant under this section shall be that per centum for which a project for airport development at that airport would be eligible under section 17 of this Act. In the case of any airport system planning grant under this section, the United States share shall be 75 per centum.”.

(4) Paragraph (3) is amended by striking out “7.5” and inserting in lieu thereof “10”.

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

SEC. 6. (a) Section 14 (a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended by adding at the end thereof the following new paragraphs:

“(3) For the purpose of developing air carrier airports in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, \$435,000,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, \$440,000,000 for fiscal year 1977, \$465,000,000 for fiscal year 1978, \$495,000,000 for fiscal year 1979, and \$525,000,000 for fiscal year 1980.

“(4) For the purpose of developing general aviation airports in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, \$65,000,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, \$70,000,000 for fiscal year 1977, \$75,000,000 for fiscal year 1978, \$80,000,000 for fiscal year 1979, and \$85,000,000 for fiscal year 1980.”.

(b) (1) Section 14 (b) of such Act is amended—

(A) by inserting "(1)" immediately before the first sentence; and

(B) in the second, third, and fourth sentences, by striking out "subsection" and inserting in lieu thereof "paragraph".

(2) Section 14(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(2) The Secretary is authorized to incur obligations to make grants for airport development from funds made available under paragraphs (3) and (4) of subsection (a) of this section, and such authority shall exist with respect to funds available for the making of grants for any fiscal year or part thereof pursuant to subsection (a) immediately after such funds are apportioned pursuant to section 15(a) of this title. No obligation shall be incurred under this paragraph after September 30, 1980. The Secretary shall not incur more than one obligation under this paragraph with respect to any single project for airport development. Notwithstanding any other provision of this title, no part of any of the funds authorized, or authorized to be obligated, for fiscal year 1980 at the discretion of the Secretary under paragraphs (3) (B) and (4) (C) of section 15(a), and no part of the discretionary funds for reliever airports under such paragraph (4), shall be obligated or otherwise expended except in accordance with a statute enacted after the date of enactment of this sentence."

(c) Section 14(c) of such Act is amended by striking out the period at the end thereof and by inserting in lieu thereof a comma and the following: "not less than \$312,500,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and not less than \$250,000,000 per fiscal year for the fiscal years 1977 through 1980."

(d) Section 14(e) of such Act is redesignated as section 14(f) and the following is inserted in section 14 as a new subsection (e):

"(e) OTHER EXPENSES.—The balance of the moneys available in the Airport and Airway Trust Fund may be appropriated for (1) costs of services provided under international agreements relating to the joint financing of air navigation services which are assessed against the United States Government, and (2) direct costs incurred by the Secretary to flight check and maintain air navigation facilities referred to in subsection (c) of this section in a safe and efficient condition. Eligible maintenance expenses are limited to costs incurred in the field and exclude the costs of engineering support and planning, direction, and evaluation activities. The amounts appropriated from the Airport and Airway Trust Fund for the purposes of clauses (1) and (2) may not exceed \$250,000,000 for fiscal year 1977, \$275,000,000 for fiscal year 1978, \$300,000,000 for fiscal year 1979, and \$325,000,000 for fiscal year 1980. The amounts appropriated in any fiscal year under this subsection may not exceed, when added to the minimum amounts authorized for that year under subsections (a), (c), and (d) of this section, the amounts transferred to the Airport and Airway Trust Fund for that year under subsection 208(b) of the Airport and Airway Revenue Act of 1970. No part of the amount appropriated from the Airport and Airway Trust Fund in any fiscal year for obligation or expenditure under clause (2) of this subsection shall be obligated or expended which exceeds that amount which bears the same ratio to the maximum amount which may be appropriated under

clauses (1) and (2) of this subsection for such fiscal year as the total amount obligated in that fiscal year under paragraphs (3) and (4) of subsection (a) of this section bears to the aggregate of the minimum amount made available for obligation under each such paragraph for such fiscal year."

(e) Paragraph (1) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsections (c) and (d) of this section, as amended" and by inserting in lieu thereof "this section".

(f) Paragraph (2) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsections (a) and (c)" and inserting in lieu thereof "subsections (a), (c), (d) and the third sentence of subsection (e)".

(g) Paragraph (3) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsection (d)." and inserting "subsection (e)."

DISTRIBUTION OF FUNDS

SEC. 7. (a) Section 15(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1715) is amended by renumbering paragraphs (3) and (4) as (5) and (6), respectively, and by inserting immediately following paragraph (2) the following new paragraphs:

"(3) As soon as possible after the date of enactment of this paragraph for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and on the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

"(A) To each sponsor of an air carrier airport (other than a commuter service airport) as follows:

"(i) \$6.00 for each of the first fifty thousand passengers enplaned at that airport.

"(ii) \$4.00 for each of the next fifty thousand passengers enplaned at that airport.

"(iii) \$2.00 for each of the next four hundred thousand passengers enplaned at that airport.

"(iv) \$0.50 for each passenger enplaned at that airport over five hundred thousand.

No air carrier airport (other than a commuter service airport)—

"(I) served by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight, or previously served, on or after September 30, 1968, by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight and presently served by air carrier aircraft 12,500 pounds or less maximum certificated gross takeoff weight shall receive under this subparagraph less than \$187,500 or more than \$12,500,000 for fiscal year 1976, including the period July 1, 1976 through September 30, 1976, and less than \$150,000 or more than \$10,000,000 per fiscal years for fiscal years 1977 through 1980; and

"(II) served by air carrier aircraft 12,500 pounds or less maximum certificated gross takeoff weight which, since September 29, 1968, has never been regularly served by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight shall receive under this subparagraph less than \$62,500 or more than \$12,500,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and less than \$50,000 or more than \$10,000,000 per fiscal year for fiscal years 1977 through 1980.

In no event shall the total amount of all apportionments under this subparagraph (A) for any fiscal year exceed two-thirds of the amount authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part for such fiscal year. In any case in which an apportionment would be reduced by the preceding sentence, the Secretary shall for such fiscal year reduce the apportionment to each sponsor of an air carrier airport proportionately so that such two-thirds amount is achieved.

"(B) Any amount not apportioned under subparagraph (A) of this paragraph shall be distributed at the discretion of the Secretary as follows:

"(i) \$18,750,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and \$15,000,000 per fiscal year for the fiscal years 1977 through 1980, to commuter service airports.

"(ii) The remainder of such amount to air carrier airports.

"(4) As soon as possible after the date of enactment of this paragraph for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and on the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (4) of section 14(a) of this part, the amount made available minus \$18,750,000 in the case of fiscal year 1976, including such period, and minus \$15,000,000 in the case of each of the fiscal years 1977 through 1980, shall be apportioned by the Secretary as follows:

"(A) 75 per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

"(B) 1 per centum for the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands to be distributed at the discretion of the Secretary.

"(C) 24 per centum to be distributed at the discretion of the Secretary to general aviation airports.

\$18,750,000 of the amount made available for fiscal year 1976, including such period, and \$15,000,000 of the amount made available for each of the other fiscal years shall be distributed at the discretion of the Secretary to reliever airports."

(b) Paragraph (5) of such section 15(a) (as renumbered by this section) is amended by inserting after "(2)(A)" the following "or (4)(A)", by inserting after "(1)(B)" the following "or (3)(A)", and by adding at the end thereof the following new sentence: "For purposes of this paragraph funds apportioned pursuant to this sec-

tion for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, shall be available for obligation for the same period of time as if such funds were apportioned for fiscal year 1976 exclusive of such period."

(c) Section 15(b)(2) of the Airport and Airway Development Act of 1970 is amended by striking out "(3)" and inserting in lieu thereof "(5)".

(d) The first sentence of subsection (c) of section 15 of the Airport and Airway Development Act of 1970 is amended to read as follows: "The Secretary shall inform each air carrier airport sponsor and the Governor of each State, or the chief executive officer of the equivalent jurisdiction, as the case may be, on April 1 of each year of the estimated amount of the apportionment to be made on October 1 of that year."

(e) In making the apportionment for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, under section 15(a)(3)(A) of the Airport and Airway Development Act of 1970, the Secretary of Transportation shall increase the number of enplanements at each airport by 25 percent.

PROJECT APPROVAL

SEC. 8. (a) The first sentence of subsection (a) of section 16 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716) is amended by inserting after "project application" the following "for one or more projects". The second sentence of subsection (a) of section 16 of the Airport and Airway Development Act of 1970 is amended by striking out "No" and inserting in lieu thereof "Until July 1, 1975, no". Such section 16(a) is further amended by adding at the end thereof the following new sentences: "After June 30, 1975, no project application shall propose airport development except in connection with the following airports included in the current revision of the national airport system plan formulated by the Secretary under section 12 of this Act: (1) air carrier airports, (2) commuter service airports, (3) reliever airports, and (4) general aviation airports (A) which are regularly served by aircraft transporting United States mail, or (B) which are regularly used by aircraft of a unit of the Air National Guard or of a Reserve component of the Armed Forces of the United States, or (C) which the Secretary determines have a significant national interest. Except as provided in subsection (g), all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches."

(b) Section 16 of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new subsections:

"(g) STATE STANDARDS.—

"(1) The Secretary is authorized to make grants to any State, upon application therefor, for not to exceed 75 per centum of the cost of developing standards for airport development at general aviation airports in such State, other than standards for safety of approaches. The aggregate of all grants made to any State under this paragraph shall not exceed \$25,000.

"(2) The Secretary is authorized to approve standards established by a State for airport development at general aviation airports in such State, other than standards for safety of approaches, and upon such approval such State standards shall be the standards applicable to such general aviation airports in lieu of any comparable standard established under subsection (a) of this section. State standards approved under this subsection may be revised, from time to time, as the State or the Secretary determines necessary, subject to approval of such revisions by the Secretary.

"(3) There is authorized to be appropriated out of the Airport and Airway Trust Fund not to exceed \$1,275,000 to carry out this subsection.

"(h) The Secretary is authorized in connection with any project to accept a certification from a sponsor or a planning agency that such sponsor or agency will comply with all of the statutory and administrative requirements imposed on such sponsor or agency under this Act in connection with such project. Acceptance by the Secretary of a certification from a sponsor or agency may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so. Nothing in this subsection shall affect or discharge any responsibility or obligation of the Secretary under any other Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1652), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000b), title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)."

(c) Section 12(a) of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new sentence: "After June 30, 1975, the Secretary shall not include in the national airport system plan any airport which is not eligible for airport development grants under the next to the last sentence of section 16(a) of this title, except that nothing in this sentence shall require the Secretary to remove from the national airport system plan any airport in such plan on June 30, 1975."

UNITED STATES SHARE

SEC. 9. (a) Section 17(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) is amended by striking out everything after "section 16" and inserting in lieu thereof the following:

"of this part—

"(1) may not exceed 50 per centum of the allowable project costs in the case of grants made from funds for fiscal years 1971, 1972, and 1973, and may not exceed 50 per centum for sponsors whose airports enplane not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board, and may not exceed 75 per centum for sponsors whose airports enplane less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board and for sponsors of general aviation or reliever airports, in the case of grants made from funds for fiscal years 1974 and 1975; and

"(2) (A) shall be 90 per centum of the allowable project costs in the case of grants from funds for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and for fiscal years 1977 and 1978, and shall be 80 per centum of the allowable project costs in the case of grants from funds for fiscal years 1979 and 1980, (i) for each air carrier airport (other than a commuter service airport) which enplanes less than one-quarter of 1 per centum of the total annual passengers enplaned as determined for purposes of making the latest annual apportionment under section 15(a)(3) of this Act, (ii) for each commuter service airport, and (iii) for each general aviation airport; and

"(B) shall be 75 per centum of the allowable project costs in the case of all other airports."

(b) Section 17(b) of such Act (49 U.S.C. 1717) is amended by adding at the end thereof the following new sentence: "In no event shall such United States share, as increased by this subsection, exceed the greater of (1) the percentage share determined under subsection (a) of this section, or (2) the percentage share applying on June 30, 1975, as determined under this subsection."

(c) Section 17(c) is amended by striking out "The" and inserting in lieu thereof "For fiscal years 1971 through 1975, the".

(d) Section 17(d) of such Act is amended by striking out everything after "share" and inserting in lieu thereof "shall be the same percentage as is otherwise applicable to such project."

(e) Section 17(e) of such Act is hereby repealed.

PROJECT SPONSORSHIP

SEC. 10. (a) Section 18 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1718) is amended by inserting "(a) SPONSORSHIP.—" immediately before "As a condition precedent", by striking out "section." at the end of such section and inserting in lieu thereof "subsection.", and by adding at the end thereof the following new subsection:

"(b) CONSULTATION.—In making a decision to undertake any project under this title, any sponsor of an air carrier airport shall consult with air carriers using the airport at which such airport development project is proposed and any sponsor of a general aviation airport shall consult with fixed-base operators using the airport at which such airport development project is proposed."

(b) Paragraph (8) of subsection (a) of section 18 of the Airport and Airway Development Act of 1970 (as redesignated by subsection (a) of this section) is amended by striking out the semicolon and inserting in lieu thereof the following: ", except that no part of the Federal share of an airport development project for which a grant is made under this title or under the Federal Airport Act (49 U.S.C. 1101 et seq.) shall be included in the rate base in establishing fees, rates, and charges for users of that airport;".

(c) Paragraph (1) of section 18(a) of the Airport and Airway Development Act of 1970 (as redesignated by subsection (a) of this section) is amended by striking out the semicolon and inserting in lieu thereof the following: ", including the requirement that (A) each air carrier, authorized to engage directly in air transportation pursuant to section 401 or 402 of the Federal Aviation Act of 1958, using

such airport shall be subject to nondiscriminatory and substantially comparable rates, fees, rentals, and other charges and nondiscriminatory and substantially comparable rules, regulations, and conditions as are applicable to all such air carriers which make similar use of such airport and which utilize similar facilities, subject to reasonable classifications such as tenants or nontenants, and combined passenger and cargo flights or all cargo flights, and such classification or status as tenant shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on tenant air carriers, and (B) each fixed-based operator using a general aviation airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport utilizing the same or similar facilities.”

(d) The amendment made to section 18(a)(1)(A) of the Airport and Airway Development Act of 1970 (as amended by subsection (c) of this section) shall not require the reformation of any lease or other contract entered into by an airport before the date of enactment of this Act. The amendment made to section 18(a)(1)(B) of the Airport and Airway Development Act of 1970 (as amended by subsection (c) of this section) shall not require the reformation of any lease or other contract entered into by an airport before July 1, 1975.

MULTIYEAR PROJECTS

SEC. 11. Section 19 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1719) is amended by inserting immediately after the third sentence the following new sentence: “In any case where the Secretary approves an application for a project which will not be completed in one fiscal year, the offer shall, upon request of the sponsor, provide for the obligation of funds apportioned or to be apportioned to the sponsor pursuant to section 15(a)(3)(A) of this title for such fiscal years (including future fiscal years) as may be necessary to pay the United States share of the cost of such project.”

TERMINAL DEVELOPMENT PROJECT COSTS

SEC. 12. (a) Section 20 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720) is amended by redesignating subsection (b) as subsection (c) and inserting immediately after subsection (a) the following new subsection:

“(b) **TERMINAL DEVELOPMENT.**—

“(1) Notwithstanding any other provision of this title, upon certification by the sponsor of any air carrier airport that such airport has, on the date of submittal of the project application, all the safety and security equipment required for certification of such airport under section 612 of the Federal Aviation Act of 1958, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning or deplaning from aircraft other than air carrier aircraft, the Secretary may approve, as allowable project costs of a project for airport development at such airport, terminal development (including multimodal terminal development) in nonrevenue producing public-use areas which are directly related to the movement of passengers and baggage in air commerce within the boundaries of

the airport, including, but not limited to, vehicles for the movement of passengers between terminal facilities or between terminal facilities and aircraft.

“(2) Only sums apportioned under section 15(a)(3)(A) to the sponsor of an air carrier airport shall be obligated for project costs allowable under paragraph (1) of this subsection in connection with airport development at such airport, and no more than 60 per centum of such sums apportioned for any fiscal year shall be obligated for such costs.

“(3) Sums apportioned under section 15(a)(3)(A) to the sponsor of an air carrier airport at which terminal development was carried out on or after July 1, 1970, and before the date of enactment of this paragraph shall be available, subject to the limitations contained in paragraph (2) of this subsection, for the immediate retirement of the principal of bonds or other evidences of indebtedness the proceeds of which were used for that part of the terminal development at such airport the cost of which is allowable under paragraph (1) of this subsection subject to the following conditions:

“(A) That such sponsor submits the certification required under paragraph (1) of this subsection.

“(B) That the Secretary determines that no project for airport development at such airport outside the terminal area will be deferred if such sums are used for such retirement.

“(C) That no funds available for airport development under this Act shall be obligated for any project for additional terminal development at such airport for a period of three years beginning on the date any such sums are used for such retirement.

“(4) Notwithstanding section 17, the United States share of project costs allowable under paragraph (1) of this subsection shall be 50 per centum.

“(5) The Secretary shall approve project costs allowable under paragraph (1) of this subsection under such terms and conditions as may be necessary to protect the interests of the United States.”

(b) Subsection (c) of such section 20 (as relettered by this section) is amended by striking out “The” and inserting in lieu thereof the following: “Except as provided in subsection (b) of this section, the”.

STATE DEMONSTRATION PROGRAMS

SEC. 13. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) is amended by inserting immediately after section 27 the following new section:

“SEC. 28. STATE DEMONSTRATION PROGRAMS.

“(a) **DEMONSTRATION PROGRAMS.**—If the Secretary determines, after review of the certification required by subsection (b) of this section, that a State is capable of managing a demonstration program for administering United States grants for general aviation airports in that State, the Secretary may make a grant for such purpose to such State of funds apportioned to it under section 15(a)(4)(A) of this Act and of any part of the discretionary funds available under section 15(a)(4)(C) of this Act. Such a grant shall be conditioned on a requirement that such State grant funds to airport sponsors in the same manner and subject to the same conditions as the Secretary imposes in making grants to such sponsors under this title.

"(b) **CERTIFICATION REQUIREMENTS.**—If a State wishes to manage a demonstration program for administering United States grants for general aviation airports, the Governor or the chief executive officer of such State shall certify to the Secretary, in the form and manner prescribed by the Secretary, that—

"(1) the State complies with all eligibility requirements and criteria established by this section and by the Secretary;

"(2) such State's participation in the demonstration program has been specifically authorized by an action of such State's legislature duly taken after the date of enactment of this section, or if such State's legislature is not in regular session on such date and will not meet again in regular session before January 1, 1977, such participation has been authorized by such State's Governor or chief executive officer; and

"(3) such State's legislature has authorized the appropriation of State funds for the development of general aviation airports in such State during the period for which funds are sought under this section.

"(c) **RESTRICTIONS.**—The Secretary shall not, pursuant to this section—

"(1) enter into demonstration projects in more than four States;

"(2) allow any funds granted to States to be used to pay costs incurred by the States in administering the demonstration programs;

"(3) initiate any demonstration program after January 1, 1977; and

"(4) make a grant to any State after September 30, 1978.

"(d) **REPORT.**—The Secretary shall evaluate and report to Congress, not later than March 31, 1978, on the results of any demonstration programs assisted under this section."

AIR CARRIER AIRPORT DESIGNATION AND CIVIL RIGHTS

SEC. 14. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) is amended by inserting immediately after section 28 (as added by the preceding section of this Act) the following new sections:

"SEC. 29. AIR CARRIER AIRPORT DESIGNATION.

"Notwithstanding any other provision of this title, in the case of any public airport at which (A) an air carrier was or is certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) to serve a city served through such airport, and (B) either (i) service to such city by every such certificated air carrier has been suspended as authorized by the Civil Aeronautics Board, or (ii) authority to serve such city has been deleted from the certificates of every such air carrier by the Civil Aeronautics Board after the date of enactment of this section, and (C) such airport is served by an intrastate air carrier operating in intrastate air transportation within the meaning of sections 101(22) and 101(23) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), such airport shall be

deemed to be an air carrier airport (other than a commuter service airport) for the purposes of this title.

"SEC. 30. CIVIL RIGHTS.

"The Secretary shall take affirmative action to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from participating in any activity conducted with funds received from any grant made under this title. The Secretary shall promulgate such rules as he deems necessary to carry out the purposes of this section and may enforce this section, and any rules promulgated under this section, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964. The provisions of this section shall be considered to be in addition to and not in lieu of the provisions of title VI of the Civil Rights Act of 1964."

LIMITING CHARGES FOR GOVERNMENT INSPECTION OF PERSONS AND PROPERTY

Sec. 15. (a) Section 53 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1741) is amended by adding at the end thereof the following new subsection:

"(e) The cost of any inspection or quarantine service which is required to be performed by the Federal Government or any agency thereof at airports of entry or other places of inspection as a consequence of the operation of aircraft, and which is performed during regularly established hours of service on Sundays or holidays shall be reimbursed by the owners or operators of such aircraft only to the same extent as if such service had been performed during regularly established hours of service on weekdays. Notwithstanding any other provision of law, administrative overhead costs associated with any inspection or quarantine service required to be performed by the United States Government, or any agency thereof, at airports of entry as a result of the operation of aircraft, shall not be assessed against the owners or operators thereof."

(b) The amendment made by subsection (a) of this section shall take effect January 1, 1977.

PURCHASE REPORTS

Sec. 16. Section 303(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by striking out "Interstate and Foreign Commerce" and inserting in lieu thereof "Public Works and Transportation".

AIRPORT SECURITY IN ALASKA

SEC. 17. (a) The Federal Aviation Act of 1958 (49 U.S.C. 1432 et seq.) is amended by adding at the end of title III thereof the following new section:

"AIRPORT SECURITY IN ALASKA

"**SEC. 317.** The Administrator is authorized to exempt from the provisions of sections 315 and 316 of this Act those airports in Alaska which receive service only from air carriers operating under certificates granted by the Civil Aeronautics Board under section 401 of

this Act, which operate aircraft having a maximum certificated gross takeoff weight of less than 12,500 pounds, and which do not enplane any passenger, or any property intended to be carried in the aircraft cabin, which passenger or property is moving in air transportation and will not be subject to screening in accordance with such section 315 at an airport in Alaska before such passenger or property is enplaned for any point outside Alaska.”

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

“TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR”

is amended by adding at the end thereof the following new sideheading:

“Sec. 317. Airport security in Alaska.”

AIR TRANSPORTATION OF PERSONS OR PROPERTY

SEC. 18. (a) Section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) is amended by adding at the end thereof the following new subsection:

“(c) (1) Except as provided in paragraph (2) of this subsection, transportation of persons or property by transport category aircraft in interstate air transportation procured by the Department of Defense, including military departments within such Department, through contracts of more than 30 days duration for airlift service within the United States, shall be provided only by carriers which (1) have aircraft in the civil reserve air fleet or offer to place aircraft in such fleet, and (2) hold certificates under this section. Applications for certification under subsection (a) of this section for the purpose of providing the service referred to in this subsection shall be acted on expeditiously by the Board.

“(2) In any case in which the Secretary of Defense determines that no air carrier certificated under subsection (a) of this section is capable of providing and willing to provide the type of service described in paragraph (1) of this subsection, he may contract with an air carrier which does not hold a certificate under this section.”

(b) That portion of the table of contents contained in the first section of such Act which appears under the side heading.

“Sec. 401. Certificate of Public Convenience and Necessity.”

is amended by adding at the end thereof the following:

“(c) Air transportation of persons or property.”

ISSUANCE OF AIRPORT OPERATING CERTIFICATES

SEC. 19. (a) Section 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1432) is amended by adding at the end thereof the following new subsection:

“EXEMPTION

“(c) The Administrator may exempt any operator of an air carrier airport enplaning annually less than one-quarter of 1 percent of the total number of passengers enplaned at all air carrier airports from

the requirements imposed by subsection (b) of this section relating to firefighting and rescue equipment if he finds that such requirements are, or would be, unreasonably costly, burdensome, or impractical.”

(b) That portion of the table of contents contained in the first section of such Act which appears under the side heading

“Sec. 612. Airport operating certificates.”

is amended by adding at the end thereof the following:

“(c) Exemption.”

AIRPORT STUDY

SEC. 20. The Secretary of Transportation shall conduct a study of airports in areas where land requirements, local taxes, or a low revenue return per acre may close such airports. This study, the results of which shall be reported to Congress by January 1, 1978, shall include the identification of those locations which may be converted to non-aviation uses and recommendations concerning methods for preserving those airports which in the Secretary's judgment should be preserved in the public interest.

CIVIL AVIATION INFORMATION DISTRIBUTION PROGRAM

SEC. 21. In furtherance of his mandate to promote civil aviation, the Secretary of Transportation acting through the Administrator of the Federal Aviation Administration shall take such action as he may deem necessary, within available resources, to establish a civil aviation information distribution program within each region of the Federal Aviation Administration. Such program shall be designed so as to provide State and local school administrators, college and university officials, and officers of civil and other interested organizations, upon request, with informational materials and expertise on various aspects of civil aviation.

PROHIBITION OF FLIGHT SERVICE STATION CLOSURES

SEC. 22. For the three year period beginning on the date of enactment of this Act, the Secretary of Transportation shall not close or operate by remote control any existing flight service station operated by the Federal Aviation Administration, except (A) for part-time operation by remote control during low-activity periods, and (B) for the purpose of demonstrating the quality and effectiveness of service at a consolidated flight service station facility, not more than five flight service stations, at the discretion of the Secretary, may be closed or operated by remote control from not more than one air route traffic control center. Nothing in this section shall preclude the physical separation of a combined flight service station and tower facility, the operation by remote control of the flight service station portion of a combined flight service station and tower facility from another flight service station, or the relocation of an existing flight service station at another site within the same flight service area if such flight service station continues to provide the same service to airmen without interruption.

DEMONSTRATION PROJECT

SEC. 23. (a) (1) *The Secretary of Transportation is authorized to undertake demonstration projects related to ground transportation services to airports which he determines will assist the improvement of the Nation's airport and airway system, and consistent regional airport system plans funded pursuant to section 13(b) of the Airport and Airway Development Act of 1970, by improving ground access to air carrier airport terminals. He may undertake such projects independently or by grant or contract (including working agreements with other Federal departments and agencies).*

(2) *In determining projects to be undertaken under this subsection, the Secretary of Transportation shall give priority to those projects which (A) affect airports in areas with operating regional rapid transit systems with existing facilities within reasonable proximity to such airports, (B) include connection of the airport terminal facilities to such systems, (C) are consistent with and supportive of a regional airport system plan adopted by the planning agency for the region and submitted to the Secretary, and (D) will improve access for all persons residing or working within the region to air transport through the encouragement of an optimum balance of use of airports in the region.*

(b) (1) *The Secretary of Transportation is authorized to undertake a demonstration project at South Bend, Indiana, for a multimodal terminal building and facilities for the intermodal transfer of passengers and baggage between and among interconnecting air, rail, and highway transportation routes and facilities. He may undertake such project independently or by grant or contract (including working agreements with other Federal departments and agencies).*

(2) *There is authorized to be appropriated to carry out this subsection not to exceed \$3,000,000.*

COMPENSATION FOR REQUIRED SECURITY MEASURES IN FOREIGN AIR TRANSPORTATION

SEC. 24. (a) *The Secretary of Transportation shall compensate any air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) which requests such compensation for that portion of the amount expended by such air carrier for security screening facilities and procedures as required by section 315(a) of such Act (49 U.S.C. 1356(a)), and any regulation issued pursuant thereto, which is attributable to the screening of passengers moving in foreign air transportation. An air carrier shall have any compensation authorized to be paid it under this section reduced by the amount (if any) by which the revenue of such carrier which is attributable to the cost of security screening facilities and procedures used in intrastate, interstate, and overseas air transportation exceeds the actual cost to such carrier of such facilities. The Secretary may issue such regulations as he deems necessary to carry out the purpose of this section.*

(b) *The terms used in this section which are defined in the Federal Aviation Act of 1958 shall have the same meaning as such terms have in such Act.*

(c) *There is authorized to be appropriated out of the Airport and Airway Trust Fund to carry out this section not to exceed \$3,750,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and \$3,000,000 per fiscal year for the fiscal years 1977 and 1978.*

REDUCTION OF NONESSENTIAL EXPENDITURES

SEC. 25. *The Secretary of Transportation shall, in accordance with this section, attempt to reduce, to the maximum extent practicable consistent with the highest degree of aviation safety, the capital, operating, maintenance, and administrative costs of the national airport and airway system. The Secretary shall, at least annually, consult with and give due consideration to the views of users of such system on methods of reducing nonessential Federal expenditures for aviation. The Secretary shall give particular attention to any recommendations which could reduce, without any adverse effects on safety, future Federal manpower requirements and costs which are required to be recouped from charges on such users.*

SPECIAL STUDIES

SEC. 26. *The Secretary of Transportation shall conduct studies with respect to—*

(1) *the feasibility, practicability, and cost of land bank planning and development for future and existing airports, to be carried out through Federal, State, or local government action;*

(2) *the establishment of new major public airports in the United States, including (A) identifying potential locations, (B) evaluating such locations, and (C) investigating alternative methods of financing the land acquisition and development costs necessary for such establishment; and*

(3) *the feasibility, practicability, and cost of the soundproofing of schools, hospitals, and public health facilities located near airports.*

The Secretary shall consult with and solicit the views of such planning agencies, airport sponsors, other public agencies, airport users, and other interested persons or groups as he deems appropriate to the conduct of such studies. The Secretary shall report to the Congress on the results of such studies, including legislative recommendations, if any, within 1 year after the date of enactment of this section.

TITLE II—RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES

AUTHORIZATION

SEC. 201. *Subsection (d) of section 14 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended to read as follows:*

“(d) RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS.—The Secretary is authorized to carry out under section 312(c) of the Federal Aviation Act of 1958 such demonstration projects as he determines necessary in connection with research and development activities under such sec-

tion 312(c). For research, development, and demonstration projects and activities under such section 312(c), there is authorized to be appropriated from the Trust Fund the amount of \$109,350,000 for the fiscal year 1976, including the interim period beginning July 1, 1976, and ending September 30, 1976, \$85,400,000 for the fiscal year 1977, and not less than \$50,000,000 per fiscal year for fiscal years 1978 through 1980, to remain available until expended. The initial \$50,000,000 of any sums appropriated to the Trust Fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research, development, and demonstration activities."

TITLE III—AIRPORT AND AIRWAY TRUST FUND

SEC. 301. AUTHORIZATION FOR EXPENDITURES FROM TRUST FUND.

(a) AMENDMENT OF 1970 ACT.—(1) Subparagraph (A) of section 208(f) (1) of the Airport and Airway Revenue Act of 1970 (49 U.S.C. 1742(f) (1) (A)) is amended to read as follows:

"(A) incurred under title I of this Act or of the Airport and Airway Development Act Amendments of 1976 (as such Acts were in effect on the date of the enactment of the Airport and Airway Development Act Amendments of 1976);"

(2) Section 208(f) of such Act (49 U.S.C. 1742(f)) is amended by striking out "July 1, 1980" each time it appears and inserting in lieu thereof "October 1, 1980".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) (1) shall apply to obligations incurred on or after the date of the enactment of this Act. The amendments made by subsection (a) (2) shall be effective on the date of enactment of this Act.

GLENN M. ANDERSON,
JIM WRIGHT,
ROBERT A. ROE,
TENO RONCALIO,
MIKE MCCORMACK,
WILLIAM H. HARSHA,
GENE SNYDER,

Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
VANCE HARTKE,
TED STEVENS,
JAMES B. PEARSON,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9771), An Act to amend the Airport and Airway Development Act of 1970, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I

SHORT TITLE

House bill

Provides that this Act may be cited as the Airport and Airway Development Act Amendments of 1975.

Senate amendment

The Senate amendment provided that this Act may be cited as the "Airport and Airway Development Act Amendments of 1976".

Conference substitute

The conference substitute is the same as the Senate amendment.

DECLARATION OF POLICY

House bill

Makes a technical amendment to extend the obligational authority from June 30, 1980 to September 30, 1980, and eliminates the overall obligational limitation.

Senate amendment

The Senate amendment increased the obligational authority for airport development grants for the 10-year period ending September 30, 1980, from \$2.5 billion to \$4.695 billion.

Conference substitute

The conference substitute is the same as the House bill.

DEFINITIONS

House bill

Amends the definitions of airport development and airport master planning as follows:

1. The definition of airport development is expanded to permit funds to be used to purchase snow removal equipment and noise suppression equipment, to permit construction of physical barriers and landscaping to diminish noise, and to permit the purchase of land to insure its use for purposes compatible with noise levels at airports.

2. The definition of master planning is expanded to permit funds to be used to plan for the potential use and development of land surrounding an actual or potential airport site.

In addition, the House bill includes definitions of the following:

1. An air carrier airport is defined as a public airport regularly served by an air carrier (other than a supplemental air carrier) certificated under section 401 of the Federal Aviation Act of 1958.

2. A commuter service airport is defined as a general aviation airport served by one or more air carriers, operating under an exemption from section 401(a) of the Federal Aviation Act of 1958 which carriers enplaned not less than 1500 passengers at such airport in the preceding year.

3. A general aviation airport is defined as a public airport other than an air carrier airport.

4. A reliever airport is a general aviation airport which the Secretary of Transportation designates as having a primary function of relieving congestion at an air carrier airport.

Senate amendment

The Senate amendment amended definitions contained in the Airport and Airway Development Act of 1970.

"Airport development" was amended to permit grants to be made not only for airfield projects but also for terminal area development. "Airport development" would include work involving construction, alteration, or repair of terminal building areas directly related to the movement of passengers and their baggage through the airport.

In addition, the new definition would make it possible for grants-in-aid to be used for snow removal equipment, not now authorized under the 1970 law. Noise suppression barriers, devices, and noise suppression landscaping on airport property would be eligible for grants.

"Airport development" was further expanded to include the purchase of land adjacent to airports for the purpose of providing a noise buffer area between the airport boundaries and the surrounding community.

Finally, the definition was expanded to include the development of multimodal passenger terminals to provide a common interchange point with several modes of public transportation.

"Air carrier airport," undefined in the 1970 Act, was defined to include (1) airports which are or will be served regularly by scheduled and supplemental airlines; (2) airports which do not receive certificated airline service but which receive commuter airline service as a substitute, pursuant to a suspension/replacement agreement sanctioned by the Civil Aeronautics Board (CAB); (3) airports in Alaska which

receive certificated service with small aircraft; and (4) an existing public airport regularly served by a State-licensed carrier which operates at the airport turbojet-powered aircraft capable of carrying 30 or more persons.

A new term, "capital improvement program," was defined as a document which identifies and describes all of the airport development projects planned for an airport for a period of not less than 3 successive years and which specifies yearly priorities and annual cost estimates for such projects.

"General aviation airport" was defined as a public airport which is not an air carrier airport.

"Reliever airport" was defined as a general aviation airport which is designated as such by the Secretary and whose primary function is to relieve congestion by diverting general aviation traffic from an air carrier airport.

Conference substitute

The conference substitute is the same as the House bill, except that a commuter service airport is defined as an air carrier airport which (1) is not served by a certificated air carrier, (2) receives regular service by one or more air carriers operating under exemption from section 401(a) of the Federal Aviation Act of 1958, and (3) enplaned not less than 2,500 passengers in the preceding calendar year. The conferees intend by this definition to include any airport at which a certificated air carrier serving such airport has been authorized to suspend service on condition that such service be provided by an air carrier operating under such an exemption, and which meets the above criteria.

The conferees understand that the term airport development includes terminal development. The circumstances under which grants may be made for terminal development are discussed in the section "Terminal Development."

REVISED NATIONAL AIRPORT SYSTEM PLAN

House bill

Requires the Secretary of Transportation to prepare and publish a revised national airport system plan (NASP) by January 1, 1977, which includes a projection of the airport development which will occur at each public airport in the NASP during the succeeding ten-year period, and a listing of the amount of funds expended in each of the fiscal years 1971-1975 for terminal area development in nonrevenue producing public use areas at each air carrier, commuter, and reliever airport in the NASP. In addition, \$2,000,000 is authorized out of the Airport and Airway Trust Fund to prepare and publish such revised NASP.

Senate amendment

The Senate amendment required the Secretary of Transportation to prepare and publish a revised national airport system plan (NASP) by January 1, 1978. The plan was not to be a detailed project-by-project compilation of each airport in the present plan but was to include only those airports which have a role in the national system. The Secretary was required in the revised plan to specify the present and anticipated future role of such airports in the following 10-year period,

and to identify the types of airport development projects considered appropriate during that period. In addition, the Secretary was directed to publish on January 1, 1978, and annually thereafter, his estimates of the cost of achieving the airport development envisioned in such revised plan, including estimates for development which the Secretary considered to be of the highest priority.

Conference substitute

The conference substitute is the same as the House bill except that—

- (1) the revised plan is not required to be completed until January 1, 1978;
- (2) the plan is not required to include a compilation of past expenditures for terminal development;
- (3) in developing the revised plan, the Secretary is specifically required to consult with the Civil Aeronautics Board; and
- (4) the specific authorization of \$2 million to prepare the revised plan is eliminated.

The revision required by this provision is subject to all of the other requirements of section 12 of the Act, including consultation with appropriate Federal, State, and other agencies.

The managers believe that there is need for increased coordination between the FAA and the CAB not only in the revision of the NASP, but also in all other matters for which they have joint responsibilities.

PLANNING GRANTS

House bill

Provides for the same level of funding for planning grants as provided in the 1970 Act. In addition, it makes two changes in the planning grant program. First, the Federal share is increased from 66 $\frac{2}{3}$ percent to 75 percent. Second, the limit in the 1970 Act under which no more than 7.5 percent of the planning funds made available in any year could be granted to sponsors within the same State, would be raised to 10 percent to allow more flexibility in the issuance of planning grants.

Senate amendment

The Senate amendment eliminated the planning grant as a discrete type of grant and placed planning grant authority under the provisions pertaining to airport development grants. Grants for airport system planning and airport master planning would be funded from revenues reserved for airport development grants.

Conference substitute

The conference substitute is the same as the House bill except that the United States share (1) for any airport master planning grant is the same as the share for airport development grants at the particular airport, and (2) for any airport system planning grant is 75 percent.

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

House bill

The Secretary of Transportation is authorized to incur obligations to make grants to sponsors of air carrier airports, for airport development at such airports in the amount of \$385,000,000 for fiscal year 1976,

\$96,250,000 for the transition quarter, \$405,000,000 for fiscal year 1977, \$425,000,000 for fiscal year 1978, \$445,000,000 for fiscal year 1979, and \$465,000,000 for fiscal year 1980.

The Secretary of Transportation is authorized to incur obligations to make grants to sponsors of general aviation airports for airport development at such airports in the amount of \$65,000,000 for fiscal year 1976, \$16,250,000 for the transition quarter, \$70,000,000 for fiscal year 1977, \$75,000,000 for fiscal year 1978, \$80,000,000 for fiscal year 1979, and \$85,000,000 for fiscal year 1980.

The Secretary may not incur an obligation to an airport sponsor after September 3, 1980, and may not incur more than one obligation with respect to any single airport development project.

The Secretary of Transportation is authorized to obligate for expenditure not less than \$250,000,000 per fiscal year for each of the fiscal years 1976, 1977, and 1978, \$62,500,000 for the transition quarter, and \$275,000,000 per fiscal year for each of the fiscal years 1979 and 1980, for the purpose of acquiring, establishing, and improving air navigation facilities.

Authorizes out of the Airport and Airway Trust Fund not to exceed \$50,000,000 for fiscal year 1976, \$12,500,000 for the transition quarter, \$75,000,000 for fiscal year 1977, \$100,000,000 for fiscal year 1978, \$125,000,000 for fiscal year 1979, and \$150,000,000 for fiscal year 1980 for (1) the necessary administrative expenses of the Secretary of Transportation in administering certain of the programs funded under the Amendments of 1976, (2) costs of services provided under international agreements relating to the joint financing of air navigation services which are assessed against the United States Government, and (3) the direct costs and administrative expenses of the Secretary incident to servicing airway facilities, excluding the cost of engineering support and planning, direction and evaluation activities.

Senate amendment

The Senate amendment authorized the Secretary of Transportation to incur obligations to make airport development grants to sponsors of air carrier and reliever airports and to all airport sponsors for airport system planning to serve all classes of civil aviation. Such grants were authorized in the amount of \$625 million for fiscal year 1976 and the transition quarter, \$535 million for fiscal year 1977, \$570 million for fiscal year 1978, \$605 million for fiscal year 1979, and \$640 million for fiscal year 1980.

The Secretary of Transportation was authorized to incur obligations to make grants to sponsors of general aviation airports for airport development in the amount of \$50 million for fiscal year 1976 and the transition quarter, \$45 million for fiscal year 1977, \$50 million for fiscal year 1978, \$55 million for fiscal year 1979, and \$60 million for fiscal year 1980.

The Secretary of Transportation was not permitted to incur an obligation to an airport sponsor after September 30, 1980, or to incur more than one obligation with respect to any single airport development project.

The Secretary of Transportation was authorized to obligate for expenditure not less than \$250 million per fiscal year for each of the

fiscal years 1976, 1977, 1978, 1979, and 1980 and not less than \$62,500,000 for the transition quarter for the purpose of acquiring, establishing, and improving air navigation facilities.

The Senate amendment authorized for appropriation from the Airport and Airway Trust Fund not to exceed \$150 million for fiscal year 1976 and the transition quarter, \$300 million for fiscal year 1977, \$325 million for fiscal year 1978, \$350 million for fiscal year 1979, and \$375 million for fiscal year 1980 for the (1) costs assessed against the U.S. Government for services provided under international agreements relating to the joint financing of air navigation services, and (2) direct costs incurred by the Secretary of Transportation to flight check and maintain air navigation facilities in a safe and efficient condition (except that such maintenance costs shall exclude the costs of engineering support and planning, direction, and evaluation activities). The Secretary was required to submit an annual report to the appropriate congressional committees on activities proposed to be financed with the funds set forth in this provision.

Conference substitute

The conference substitute—

Provides obligational authority for airport development grants at air carrier airports in the following amounts: \$435 million for fiscal year 1976, including the transition quarter, \$440 million for fiscal year 1977, \$465 million for fiscal year 1978, \$495 million for fiscal year 1979, and \$525 million for fiscal year 1980.

Provides obligational authority for airport development grants at general aviation airports in the following amounts: \$65 million for fiscal year 1976, including the transition quarter, \$70 million for fiscal year 1977, \$75 million for fiscal year 1978, \$80 million for fiscal year 1979, and \$85 million for fiscal year 1980.

Provides not less than \$312,500,000 for fiscal year 1976, including the transition quarter, and not less than \$250 million per fiscal year for fiscal years 1977 through 1980 for the purpose of acquiring, establishing, and improving air navigation facilities.

Authorizes appropriations from the Airport and Airway Trust Fund at a level not to exceed \$250 million for fiscal year 1977, \$275 million for fiscal year 1978, \$300 million for fiscal year 1979, and \$325 million for fiscal year 1980, for costs of air navigation services provided under international agreements and direct costs incurred to flight check and maintain air navigation facilities as provided for in the Senate amendment. No money is authorized to be appropriated from the Airport and Airway Trust Fund for maintaining air navigation facilities for fiscal year 1976, including the transition quarter.

Provides that to the extent that funds which are authorized by this legislation to be obligated for airport development grants in any fiscal year are obligated by the Secretary in an amount less than the authorized obligation level, the amount which can be obligated or expended from the Airport and Airway Trust Fund for maintenance costs of the airways system is proportionately reduced.

Provides that funds for airport development grants authorized or authorized to be obligated at the discretion of the Secretary for fiscal year 1980 may not be obligated or otherwise expended except in accordance with a statute enacted after the date of enactment of this Act.

DISTRIBUTION OF FUNDS

House bill

Provides that 66 $\frac{2}{3}$ percent of the money available for air carrier airports served by aircraft weighing more than 12,500 pounds be apportioned on the basis of a new enplanement formula with each such airport receiving not less than \$150,000 and not more than \$10,000,000 for each fiscal year. The remaining 33 $\frac{1}{3}$ percent of the money is available for distribution at the discretion of the Secretary of Transportation to air carrier airports.

Transfers reliever airports from the air carrier to the general aviation airport category for purposes of apportionment and adds a new class of airports (commuter service airports) to the general aviation airport category. \$25,000,000 of the funds made available for apportionment to general aviation airports is set aside for distribution at the discretion of the Secretary of Transportation to commuter and reliever airports. The remaining amount is apportioned 75 percent to the States on the basis of area and population and 24 percent at the discretion of the Secretary, with 1 percent distributed to the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the other Territories.

Requires the Secretary of Transportation to announce to sponsors, states and equivalent jurisdictions, at least 6 months prior to the beginning of a fiscal year, the amount of the apportionment to be made.

Senate amendment

The Senate amendment set forth the formula by which airport development grant funds were to be apportioned among publicly owned airports in the United States. An air carrier airport would receive no less than \$150,000 and no more than \$10 million for eligible projects each fiscal year.

The formula divided the grant moneys for air carrier airports into thirds. Two-thirds of the total would be apportioned in accordance with the number of passengers enplaned at each air carrier airport. The remaining one-third was to be apportioned among the air carrier airports at the discretion of the Secretary.

The Senate amendment provided the same apportionment formula for general aviation airports contained in the 1970 Act. Seventy-five percent of the general aviation airport funds would be apportioned among the States according to the State area/population formula. One percent of the moneys would be reserved for general aviation airports in the territories and possessions of the United States, and 24 percent would be apportioned among general aviation airports at the discretion of the Secretary.

The Senate amendment required the Secretary to inform each air carrier airport sponsor and the Governor of each State by April 1 of each year the estimated amount of apportionment to be made on or before October 1 of that year.

Conference substitute

The conference substitute adopts the general formula in both bills by providing for annual apportionments by the Secretary to sponsors of air carrier airports (except commuter service airports) based on the number of annual passenger enplanements at the airport. The House bill's requirement that the airport be served by aircraft heavier than 12,500 pounds is eliminated.

No air carrier airport (other than a commuter service airport) (1) which is served by aircraft heavier than 12,500 pounds or (2) which was served by such aircraft on or after September 30, 1968, but which is now served by aircraft 12,500 pounds or less shall receive less than \$187,500 or more than \$12,500,000 for fiscal year 1976, including the transition quarter, and less than \$150,000 or more than \$10,000,000 per fiscal year thereafter through 1980. No air carrier airport served by aircraft weighing 12,500 pounds or less which, since September 29, 1968, has never been regularly served by heavier aircraft shall receive less than \$62,500 or more than \$12,500,000 for fiscal year 1976, including the transition quarter, and less than \$50,000 or more than \$10 million per fiscal year thereafter through 1980.

Amounts designated for air carrier airports that are not apportioned under the enplanement formula described above are to be distributed at the discretion of the Secretary from the amounts to be distributed at the Secretary's discretion. \$18,750,000 for fiscal year 1976, including the transition quarter, and \$15 million per fiscal year thereafter through 1980 are to be distributed to commuter service airports and the remainder to air carrier airports (including commuter service airports).

Amounts authorized for general aviation airports would be apportioned annually as provided in the House bill after first deducting \$18,750,000 in fiscal year 1976, including the transition quarter, and \$15 million per fiscal year thereafter through 1980. The amounts so deducted are to be distributed to reliever airports at the discretion of the Secretary.

Funds apportioned for fiscal year 1976, including the transition quarter, are available for obligation for the same period of time as if they had been apportioned for only fiscal year 1976.

In apportioning funds to air carrier airports (other than commuter service airports) for fiscal year 1976, including the transition quarter, the Secretary is directed to increase the number of enplanements at each airport by 25 percent, since this apportionment is based on a 15 month period.

The conference substitute adopts the provision requiring the Secretary to give 6-month notice to each air carrier airport sponsor and to the State Governor of the estimated amount of the apportionments to be made that year.

The term "passengers enplaned" is unchanged from the 1970 Act. Under the 1970 Act the Secretary collects data on the United States domestic, territorial and international revenue passenger enplanements in scheduled and non-scheduled service of air carriers and foreign air carriers. Included are revenue passengers of certificated route air carriers, commuter air carriers (intrastate and interstate), foreign flag air carriers, air taxi operators (intrastate and interstate), and intrastate carriers.

PROJECT APPROVAL

House bill

This provision together with the provision on multiyear projects would permit a sponsor to submit a single project application covering several multiyear projects. Approval by the Secretary would commit the Federal Government to fund those several projects over a number of years with the sponsor's entitlement based on the enplanement for-

mula. In addition, the sponsor's application could contain several single-year projects, as well as several multiyear projects, all of which would begin in the fiscal year for which the application is approved. This section, however, does not permit the Secretary to approve projects which would commence in ensuing fiscal years.

In addition, after June 30, 1975, no project application shall propose airport development except in connection with certain enumerated airports included in the current revision of the NASP.

Finally, the Secretary is authorized to make grants for not to exceed 75 percent of the cost of developing standards (other than standards for safety of approaches) for airport development at general aviation airports.

The Secretary may approve such standards and, upon approval, such standards would be applicable in lieu of any comparable Federal standards. The approved standards may be revised, from time to time, as the State or Secretary determines necessary, subject to approval of such revisions by the Secretary. The aggregate of all grants made to any State shall not exceed \$25,000. This provision would not relieve the Secretary from the responsibility for developing and enforcing safety requirements.

Senate amendment

The Senate amendment permitted an air carrier airport sponsor to develop a capital improvement program describing one or more proposed airport development projects, listed in order of priority, which the sponsor would accomplish in 3 years. The Secretary's approval of a capital improvement program was to be considered approval of each project identified in the program, and the sponsor could implement each project without obtaining separate approval of each one.

The Senate amendment provided that until July 1, 1975, no airport development could be proposed in a project application if the airport development was not included in the then-current national airport system plan. After January 1, 1978, no project application was to propose airport development which is inconsistent with the revised national airport system plan written pursuant to this legislation. Proposed airport development must comply with standards promulgated by the Secretary, and proposed terminal area development could be approved by the Secretary only if the airport sponsor certified that all the safety and certification equipment required by section 612 of the Federal Aviation Act had been installed.

Finally, the Senate amendment provided that in determining compliance with the requirements of the Airport and Airway Development Act of 1970, the Secretary may accept from sponsors conclusionary certifications that they have complied with or will comply with all statutory and administrative requirements under this Act and the Airport and Airway Development Act of 1970 (as amended) in connection with airport development projects.

Conference substitute

The conference substitute generally follows the House bill except that—

- (1) After June 30, 1975, no project application shall propose airport development except at the following types of airports

listed in the revised National Airport System Plan; (1) air carrier airports, (2) commuter service airports, (3) reliever airports and

(4) certain general aviation airports. The purpose of this provision is to enable the Secretary to limit the NASP to those airports at which federally-assisted airport development can be anticipated during the ten-year period beginning January 1, 1978, the date established for publication of the revised NASP.

(2) The Senate concept regarding certifications from sponsors assuring their compliance with all applicable ADAP requirements is adopted, but is clarified to provide that the certifications are limited to those statutory and administrative requirements imposed upon a sponsor or planning agency, and the Secretary is to continue to be required to meet Federal requirements imposed by Federal laws, including but not limited to, the National Environmental Policy Act of 1969, Section 4(f) of the Department of Transportation Act, title VI of the Civil Rights Act of 1964, title VIII of the Act of April 11, 1968, and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970. Such a certification is valid not only for requirements applicable prior to grant approval, but prospectively as well. Once a certification is made, no additional certification is required by a sponsor for any activity during the life of the project for which such certification has been submitted.

UNITED STATES SHARE

House bill

Increases the Federal share of airport development project costs for large hub airport sponsors from 50 percent to 75 percent. Also increases the Federal share of planning grants from 66 $\frac{2}{3}$ to 75 percent. The Federal share of safety and security equipment costs is generally decreased from 82 percent to 75 percent.

Senate amendment

The Senate amendment increased the U.S. share for all projects other than airport terminal development and airport system planning projects to (1) 90 percent at airports enplaning less than one-fourth of 1 percent of the total number of passengers enplaned each year and for reliever and other general aviation airports, and (2) 75 percent for all other airports.

The U.S. share for airport system planning grant projects was increased to 75 percent.

The U.S. share for airport terminal development was provided in the section entitled "Terminal Development," and will be discussed in that section.

Conference substitute

The conference substitute generally follows the Senate amendment. The U.S. share for fiscal year 1976, the transitional quarter, fiscal year 1977 and fiscal year 1978 shall be 90 percent in the case of air carrier airports which enplane less than one-fourth of 1 percent of the total passengers enplaned at all air carrier airports, and in the case of general aviation airports, reliever airports, and commuter service airports.

For fiscal years 1979 and 1980, the U.S. share shall be 80 percent for the above airports.

At all other airports the U.S. share shall be 75 percent.

PROJECT SPONSORSHIP

House bill

Sponsors, in making decisions to undertake airport development, would be required to consult with air carriers and fixed-base operators using the airport. The term "fixed-base operator" includes those aviation-related businesses with permanent offices and facilities at an airport, such as aircraft distributors and dealers, aircraft rentals, flight training schools, mechanic schools, aviation maintenance, avionics sales and maintenance, aviation schools and businesses providing fueling, services, tiedown and hangar storage.

Sponsors would be prohibited from engaging in the practice of including funds received under the Federal Airport Act or the Airport and Airway Development Act in their rate base when establishing rates and charges for airport users.

Sponsors would be prohibited from charging discriminatory rates, fees, rentals, and other charges to airport businesses which make the same or similar uses of such airport utilizing the same or similar facilities.

Senate amendment

In deciding whether to undertake specific airport development projects, the airport sponsor was required to consult with air carriers serving the airport.

An airport sponsor was prohibited from including in his rate base for establishing fees and charges for any airport users any part of the U.S. share in an airport development project.

The Senate amendment also required that each certificated air carrier be subject to nondiscriminatory and substantially comparable rates and regulations applicable to all carriers making similar use of the airport and facilities. This provision was made subject to reasonable classifications such as tenants/nontenants. This provision did not require the reformation of any contract or lease entered into prior to March 1, 1976.

Conference substitute

The conference substitute is essentially the same as the House bill, except that—

(1) air carrier airport sponsors are required to consult with air carriers concerning proposed projects and general aviation airport sponsors are required to consult with fixed-base operators concerning proposed projects; and

(2) the prohibition on discriminatory rates and regulations was modified to provide that (A) all certificated air carriers shall be subject to nondiscriminatory and substantially comparable rates and regulations; and (B) each fixed-base operator making similar use of a general aviation airport shall be subject to the same rates and other charges that are uniformly applicable to all other fixed-base operators. These provisions shall not require the reformation of a contract or lease entered into by an airport before the date of enactment of this legislation for (A), and before July 1, 1975, for (B).

MULTIYEAR PROJECTS

House bill

This section, together with the provision on project approval, authorizes a sponsor to submit a single project application covering several multiyear projects. Approval by the Secretary would commit the Federal Government to fund those several projects over a number of years with the sponsor's entitlement based on the enplanement formula. In addition, the sponsor's application could contain several single-year projects, as well as several multiyear projects, all of which would begin in the fiscal year for which the application is approved. This section, however, does not permit the Secretary to approve projects which would commence in ensuing fiscal years.

Senate amendment

The amendment authorized the Secretary to obligate funds for more than one fiscal year if he approved a project application for a project which will not be completed within 1 year.

In regard to projects included in an airport sponsor's capital improvement program which has been approved by the Secretary, funds apportioned to an airport would become obligations of the United States to be used to implement the capital improvement program.

Conference substitute

The conference substitute is the same as the House bill.

Perhaps the most serious complaint about the present program is the lack of assurance airport sponsors have that the Federal commitment on a given project will continue beyond the one year grant. Major airport projects cannot be completed within one year, and it is unrealistic to expect sponsors to undertake a multi-year project without firm assurance that the Federal assistance will be continued until the project is completed. To require sponsors to do otherwise forces them to base financial plans and predictions on an uncertain foundation. If the objectives of the program are to be achieved, something beyond a 1 year commitment authority must be given to the Secretary.

This section addresses this problem by allowing the Secretary to approve a single application for a project which may take several years, and thus grant to the sponsor a commitment that the apportionment of future year obligations will be made available to approved multi-year projects. Under this section, approval by the Secretary of a project would commit the Federal Government, subject to apportionment of the enplanement formula moneys in each year, to continue the project in future years.

This section, when coupled with the section on project approval (which states that a project application may contain several projects), would also permit a sponsor to submit a single project application covering several multi-year projects. Approval by the Secretary would commit the Federal Government to fund those several projects over a number of years with the sponsor's entitlement based on the enplanement formula. In addition, the sponsor's application could contain several single-year projects, as well as several multi-year projects, all of which would begin in the fiscal year for which the application is approved. This section, however, does not permit the Secretary to approve projects which would commence in ensuing fiscal years.

This authority should aid a sponsor in two ways. First, a sponsor who submits an application in the transition quarter or in any fiscal year which includes multi-year projects and receives the Secretary's approval, would be assured of Federal financial assistance for such projects through fiscal year 1980, subject to apportionments of the enplanement formula moneys in each year.

Second, the law is clarified to specifically permit a sponsor to consolidate all projects for which Federal funds are sought into a single application.

GRANT AGREEMENT CONDITIONS (SST)

House bill

Provides that for the six-month period after the date of enactment of this Act every offer of a grant shall be conditioned upon the sponsor not permitting the landing of, except for emergencies, any civil supersonic aircraft generating noise in excess of the level now prescribed for new subsonic aircraft. Penalty for failure to comply with such grant condition requires immediate repayment of the grant and ineligibility of that sponsor and that airport for any future grants.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute does not contain the House provision.

TERMINAL DEVELOPMENT

House bill

Authorizes terminal development to be eligible for Federal funding under this program. Terminal area development eligibility for Federal funding would be subject to several restrictions. First, it would be limited to air carrier airports. Second, prior to approval of a terminal-related project, the sponsor must certify that the airport has met all safety and security equipment requirements. Third, for terminal development, the sponsor could only use funds out of the airport's enplanement apportionment, and no more than 30 percent of such apportionment for any fiscal year. Fourth, allowable terminal development would be limited to the following nonrevenue producing public use areas: baggage claim delivery areas and automated baggage handling equipment; corridors connecting boarding areas and vehicles for the movement of passengers between terminal buildings or between terminal buildings and aircraft; central waiting rooms, restrooms, and holding areas; and, foyers and entryways. Fifth, the Federal share of terminal development projects would be limited to 50 percent.

The terminal area development provision is retroactive for terminal development carried out between July 1, 1970, and the date of enactment of the provision. Once a sponsor certifies that safety and security equipment requirements were met, enplanement funds would be made available subject to the previously discussed limitations, for the immediate retirement of the principal (not interest) of bonds or other evidence of indebtedness, the proceeds of which were used to pay the cost of eligible terminal development.

Senate amendment

The Senate amendment made terminal development projects eligible for Federal assistance on the basis of a 50 percent U.S. share for the cost of constructing, altering, repairing, or acquiring public use airport passenger terminal buildings or facilities (including passenger transfer vehicles) directly related to the movement of passengers and baggage within the airport boundaries.

Projects for multimodal passenger terminal buildings or facilities were eligible for 75 percent Federal assistance. No airport could receive grants for terminal development unless it established a terminal enplaning and deplaning facility for general aviation passengers.

In addition, Federal inspection agencies were required to pay sponsors for space used for inspecting passengers and baggage in foreign air transportation to the extent these facilities were not paid for under this provision.

Conference substitute

Terminal development, including multimodal terminal development, and the construction, improvement, or repair of airport passenger terminal buildings, or of facilities (including passenger transfer vehicles) which are directly related to the movement of passengers and baggage within the airport boundaries, would be eligible for Federal assistance subject to the following conditions:

- (1) Terminal area development grants are limited to air carrier airports, other than commuter service airports.
- (2) In order to qualify for such grants, the airport must meet all safety and security requirements under section 612 of the Federal Aviation Act of 1958.
- (3) The airport must have provided for terminal area access to passengers enplaning or deplaning from general aviation aircraft.
- (4) Only funds apportioned on the basis of enplaned passengers would be available for terminal development project costs.
- (5) Not more than 60 percent of such amount may be used for this purpose in any fiscal year.
- (6) The Federal share would be 50 percent of the project costs.
- (7) The allowable terminal development would be limited to nonrevenue producing public use areas at the airport which are directly related to the movement of passengers and baggage in air commerce within the boundaries of the airport.

Funds available for terminal development may be used for retirement of bonds or other evidences of indebtedness the proceeds of which were used for terminal development on or after July 1, 1970, and before the date of enactment of this provision, to the extent that terminal development is otherwise allowable under this provision subject to the condition that—

- (1) The airport must meet all safety, security, and accessibility requirements,
- (2) The Secretary must determine that no airfield development project will be deferred because of the use of these funds for the retirement of debt, and
- (3) No additional terminal development projects may be funded for three years after such moneys are used for debt retirement.

Funds may be used to retire that part of the debt used for so much of the terminal development as has been carried out, notwithstanding that the total terminal development has not yet been completed.

STATE DEMONSTRATION PROGRAMS

House bill

Authorizes the Secretary, upon determining that a State is capable of managing a demonstration program for general aviation airports in that State, to grant to such State funds apportioned to it under the State area and population formula and any part of the discretionary funds available for general aviation airport development.

The State officials, in turn, would then make grants to airport sponsors in the same manner, and subject to the same conditions applying to grants made by the Secretary.

The Secretary would select up to eleven States for the demonstration. He may not initiate any such program after January 1, 1977. The Secretary shall report the results of the demonstration program to Congress by March 31, 1978.

Senate amendment

The Senate amendment authorized a State demonstration program for grants to States for the purpose of administering U.S. grants for general aviation airports. The provision for demonstration programs was made subject to the following limitations:

- (1) No Federal funds could be used to administer the demonstration program.
- (2) The State's participation in the program must be specifically authorized by the State legislature, except, under certain circumstances, it may be authorized by the Governor.
- (3) To be selected for the program the State must have appropriated and expended State funds for the development of general aviation airports within each of the 5 fiscal years preceding the State's application to participate in the program.
- (4) The State legislature must have authorized the appropriation of State funds for development of general aviation airports during the demonstration program period.
- (5) No more than three States could participate in the demonstration program.
- (6) No demonstration program could be initiated after January 1, 1977, and no grant could be made to any State after September 30, 1978.

Conference substitute

The conference substitute is similar to the Senate amendment except that:

- (1) The number of States which may participate in a demonstration program is increased to four; and
- (2) The eligibility requirement that a State appropriate and expend State funds for the capital development of general aviation airports during the 5 years preceding the State's application is eliminated.

The managers intend that an interstate agency created by a compact, such as the Port Authority of New York and New Jersey, will be considered a State agency for purposes of this provision to the extent it operates within a State.

AIR CARRIER AIRPORT DESIGNATION

House bill

Provides that an airport continue to be designated as an air carrier airport if serving a city at which all CAB certificated service has been replaced by intrastate service with jet aircraft capable of carrying 30 or more passengers.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is essentially the same as the House bill.

RESTRICTION ON FUTURE OBLIGATION

House bill

Provides that funds authorized for fiscal years 1979 and 1980 shall not be expended except in accordance with a subsequently enacted statute.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute provides that funds authorized, or authorized to be obligated, at the discretion of the Secretary may not be obligated or otherwise expended in fiscal year 1980, except in accordance with a statute enacted after the date of enactment of this Act.

This provision has been incorporated in the amendments to section 14(b)(2) of the Airport and Airway Development Act.

CIVIL RIGHTS

House bill

Requires the Secretary to take affirmative action to insure that no person is excluded from participating in any activity conducted with funds received from any grant made under the Airport and Airway Development Act on the grounds of race, creed, color, national origin, or sex. He is required to promulgate necessary rules to enforce this provision.

Senate amendment

Same provision.

Conference substitute

The conference substitute is the same as the House bill and the Senate amendment.

PURCHASE REPORTS

House bill

Makes a technical amendment to section 303 of the Federal Aviation Act of 1958 to insert the appropriate committee.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute adopts the House provision.

AIRPORT STUDY

House bill

Requires the Secretary of Transportation to complete by January 1, 1977, a study of airports which may be in danger of closing. The study would include identification of existing airports in danger of being converted to non-aviation uses, those which should be preserved in the public interest, and the Secretary's recommendations for preserving them.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the same as the House bill, except that the date for the completion of the study is advanced to January 1, 1978.

CIVIL AVIATION INFORMATION DISTRIBUTION PROGRAM

House bill

Directs the Secretary, acting through the Administrator of the Federal Aviation Administration, to establish a civil aviation information distribution program within each FAA region. The program is to provide officials of education and civic organizations with informational materials and expertise on various aspects of civil aviation as one means of promoting broader understanding of aviation as a transportation mode of growing importance in our total, integrated transportation system.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the same as the House provision.

FLIGHT SERVICE STATION CLOSURES

House bill

Prohibits the Secretary from closing or operating by remote control any existing flight service station operated by the FAA. Exception is made for part-time operation by remote control during low-activity periods and in not more than one air route traffic control center area, at the discretion of the Secretary, not more than five flight service stations may be closed or operated by remote control from such air route traffic control center for the purpose of demonstrating the quality and effectiveness of service at a consolidated flight service station facility.

Senate amendment

No comparable provision.

Conference substitute

For 3 years, the Secretary is prohibited from closing or operating by remote control any existing flight service station except for part-time operation by remote control during low-activity periods and for demonstration purposes not more than 5 flight service stations may be

closed or operated by remote control from not more than 1 air route traffic control center. This does not preclude physical separation of a combined flight service station and tower facility, the operation by remote control of the flight service station portion of a combined flight service station and tower facility from another flight service station, or the relocation of an existing flight service station within the same flight service area if such station provides the same service to airmen without interruption.

DEMONSTRATION PROJECTS

House bill

Authorizes demonstration projects related to ground transportation services to airports to improve ground access to terminals. Priority is to be given to those projects with existing regional rapid transit systems close to such airports which include connection of the terminal to such systems, are in accord with approved regional airport system plans, and which improve access to air transport by encouragement of an optimum balance of use of available airports.

Senate amendment

No comparable provision.

Conference substitute

The conference substitute is the same as the House bill except that \$3 million is specifically authorized to be appropriated from the general revenues of the United States for the purpose of a multimodal terminal building and facilities demonstration project in South Bend, Indiana.

COMPENSATION FOR REQUIRED SECURITY MEASURES IN FOREIGN AIR TRANSPORTATION

House bill

Authorizes the Secretary to reimburse U.S. air carriers for expenses incurred in the preflight screening of international passengers as required by the Air Transportation Security Act of 1974. That Act requires the airlines to undertake security procedures for protection of passengers.

The bill authorizes appropriations from the Airport and Airway Trust Fund of \$3,000,000 a year for the three fiscal years of 1976, 1977 and 1978 (and \$750,000 for the interim fiscal period) for reimbursement of security expenses for international passengers.

The amount of reimbursement to each carrier would be reduced by the amount by which domestic security charges exceed expenses.

Senate amendment

The Senate amendment had a similar provision except that appropriations were authorized to be made from general revenues rather than from the trust fund.

Conference substitute

The conference substitute is the same as the House bill.

CHARGES FOR GOVERNMENT INSPECTION

House bill

No comparable provision.

Senate amendment

The Senate bill provided that the cost of any inspection or quarantine service which is required to be performed by the Federal Government or any agency thereof, at airports of entry or other places of inspection as a consequence of the operation of aircraft, and which is performed during regularly established hours of service on Sundays or holidays, shall be reimbursed by the aircraft owners or operators only to the same extent as if such service had been performed during regularly established hours of service on weekdays. Notwithstanding any other provision of law, administrative overhead costs associated with any inspection or quarantine service required to be performed by the U.S. Government, or any agency thereof, at airports of entry as a result of the operation of aircraft, shall not be assessed against the owners or operators thereof.

Conference substitute

The conference substitute is essentially the same as the Senate amendment, except that the effective date has been delayed to January 1, 1977, in order to permit the agencies involved the time necessary to review manpower scheduling requirements.

The managers intend that aircraft entering the United States on Sundays and holidays, during hours which would be considered normal daytime work hours on weekdays, such as 8 a.m. to 5 p.m. or 9 a.m. to 6 p.m., which hours may vary from port of entry to port of entry, not be assessed any charges or fees which are not assessed for inspections services during normal daytime working hours on weekdays. The managers further intend that the quality of the inspection services on Sundays and holidays, following enactment of this provision, shall not be diminished.

AIRPORT SECURITY IN ALASKA

House bill

No comparable provision.

Senate amendment

The Senate amendment authorized the Administrator of the Federal Aviation Administration to exempt from the airport security procedures of the Federal Aviation Act of 1958 those airports in Alaska which are served only by certificated air carriers operating aircraft weighing less than 12,500 pounds.

Conference substitute

The conference substitute is the same as the Senate amendment with the additional requirement that to be eligible for exemption, an airport must not enplane any passenger or property to be carried in the cabin which is moving in interstate, overseas, or foreign air transportation and which will not be subject to security screening before leaving Alaska.

AIR TRANSPORTATION OF PERSONS OR PROPERTY

House bill

No comparable provision.

Senate amendment

The Senate amendment amended section 401 of the Federal Aviation Act of 1958 to provide that transportation of persons or property in interstate air transportation between two places within the United States or between a place in the United States and a place outside thereof, procured by or under contract with any department or agency of the United States (including the Department of Defense) shall be provided exclusively by air carriers holding certificates under section 401.

Conference substitute

The conference substitute provides that transportation of persons or property by transport category aircraft in interstate air transportation procured by the Department of Defense through contracts of more than 30 days duration for airlift service within the United States is to be provided exclusively by air carriers who have or offer to place aircraft in the Civil Reserve Air Fleet and who hold certificates under section 401 of the Federal Aviation Act of 1958.

The term "transport category aircraft" used in this provision means aircraft having 75,000 pounds or more maximum certificated gross takeoff weight.

Applications for certification under such section 401 (a) for purpose of providing this service shall be acted on expeditiously by the Board.

The managers interpret the term "expeditiously" to require that the Board act on applications for certification under section 401 (a) of the Act on a priority basis. The managers do not intend that in proceedings for such certification, the Board must consider separately from the other issues involved, the issue of authority to provide contract airlift service for the Department of Defense. Conversely, the managers do not intend to restrict the Board's discretion in determining what issues should be considered in such proceedings.

In the event that certificated air carriers are not capable of and willing to supply the airlift service referred to in this section for the Department of Defense, the provision authorizes the Department of Defense to utilize non-certificated air carriers to provide such service.

For purposes of this provision, it is intended that the carriage of persons and property from one point in a State to another point in that State which carriage is wholly within that State (except for flight across international waters) is not to be considered as interstate air transportation.

REDUCTION OF NONESSENTIAL EXPENDITURES

House bill

No comparable provision.

Senate amendment

The Senate amendment required consultation between the Secretary of Transportation and the users of the air transportation system, at least annually, regarding ways to reduce nonessential Federal expenditures on aviation.

Conference substitute

The conference substitute is the same as the Senate amendment.

ISSUANCE OF AIRPORT OPERATING CERTIFICATES

House bill

No comparable provision.

Senate amendment

The Senate amendment amended section 612(b) of the Federal Aviation Act of 1958 to eliminate the specific reference to firefighting and rescue equipment as one of the terms, conditions, and limitations in airport operating certificates.

Conference substitute

The conference substitute provides that the Federal Aviation Administration may exempt small-hub and nonhub air carrier airports from the requirements of firefighting and rescue equipment of the airport certification requirements if the Administrator finds that such requirements are (or would be) unreasonably costly, burdensome, or impractical.

SPECIAL STUDIES

House bill

No comparable provision.

Senate amendment

The Secretary was required to conduct studies with respect to (1) land bank planning and development for existing and future airports, (2) the establishment of new major airports, and (3) soundproofing schools, hospitals, and public health facilities near airports. A report was required to be submitted to Congress within 1 year after the date of enactment of this legislation.

Conference substitute

The conference substitute is the same as the Senate amendment.

TITLE II

RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES

House bill

Authorizes demonstration projects in connection with research and development activities and authorizes from the Trust Fund \$85,400,000 for fiscal year 1976, and \$23,950,000 for the transition quarter. The first \$50,000,000 of any amounts appropriated to the Trust Fund are to be allocated to research, development, and demonstration activities.

Senate amendment

The Senate amendment was the same as the House bill, except that the Secretary may obligate not less than \$50 million for each of the fiscal years ending in 1971 through 1980 and not less than \$12,500,000 for the transition quarter.

Conference substitute

The conference substitute authorizes demonstration projects in connection with research and development activities under section 312(c)

of the Federal Aviation Act of 1958 and authorizes from the Trust Fund \$109,350,000 for fiscal year 1976, including the transition quarter, \$85,400,000 for fiscal year 1977, and not less than \$50,000,000 per fiscal year thereafter through fiscal year 1980. The first \$50,000,000 of any amounts appropriated to the Trust Fund shall be allocated to research, development, and demonstration activities.

TITLE III

AIRPORT AND AIRWAY TRUST FUND

House bill

Amends section 208(f) (1) (A) of the Airport and Airway Revenue Act of 1970 to make amounts in the Trust Fund available, as provided by appropriations Acts, for making expenditures after June 30, 1970, and before July 1, 1980, to meet those obligations of the United States incurred under title I of the Airport and Airway Development Act of 1970 or of the Airport and Airway Development Act Amendments of 1975 (as in effect on the date of enactment of such act of 1975). The amendment made to the Revenue Act is to apply to obligations incurred on or after the date of enactment of the Airport and Airway Development Act Amendments of 1975.

Senate amendment

The Senate amendment was the same as the House bill, except that in conformity with the change in the fiscal year, it substituted the date October 1, 1980 for July 1, 1980.

Conference substitute

The conference substitute is the same as the Senate amendment.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
VANCE HARTKE,
TED STEVENS,
JAMES B. PEARSON,

Managers on the Part of the Senate.

GLENN M. ANDERSON,
JIM WRIGHT,
ROBERT A. ROE,
TENO RONCALIO,
MIKE MCCORMACK,
WILLIAM H. HARSHA,
GENE SNYDER,

Managers on the Part of the House.

AIRPORT AND AIRWAY DEVELOPMENT
ACT AMENDMENTS OF 1976

REPORT

together with

MINORITY VIEWS

OF THE

SENATE COMMITTEE ON COMMERCE

ON

S. 3015

TO PROVIDE FOR THE CONTINUED EXPANSION AND IMPROVEMENT OF THE NATION'S AIRPORT AND AIRWAY SYSTEM, TO STREAMLINE THE AIRPORT GRANT-IN-AID PROCESS AND STRENGTHEN NATIONAL AIRPORT SYSTEM PLANNING, AND FOR OTHER PURPOSES



FEBRUARY 24, 1976.—Ordered to be printed

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AIRPORT AND AIRWAY DEVELOPMENT ACT AMENDMENTS OF 1976

FEBRUARY 24, 1976.—Ordered to be printed

Mr. CANNON, from the Committee on Commerce,
submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. 3015]

The Committee on Commerce, having considered an original bill (S. 3015) to provide for the continued expansion and improvement of the Nation's airport and airway system, to streamline the airport grant-in-aid process and strengthen national airport system planning, and for other purposes, having considered the same, report favorably thereon and recommends that the bill do pass.

PURPOSE

It is the purpose of this legislation to extend and expand the Airport and Airway Development Act of 1970 to keep pace with the continued growth of air travel in the United States. The development of a national system of airports and airways sufficient to meet, without congestion or delay, the Nation's current and future safety and service needs remains an unmet goal. The full realization of this national objective requires that certain adjustments and refinements be made in the 1970 act to take advantage of experience thereunder and to address the problems which presently confront the aviation system in the United States.

BACKGROUND AND NEED

Air transportation is the Nation's predominant mode of transporting persons between America's cities and towns. Whether by com-

mercial air carrier, air taxi, or private aircraft. flying is America's preferred way of travel. In 1970, more than 153 million Americans were flown within the United States by the scheduled airlines; in 1975 the figure was more than 200 million.

As the Nation has come to depend more and more on air transportation as an integral part of its commercial, professional, and vacation way of life, there has been a pressing need to provide additional facilities, both on the ground and in the air, to keep pace with the steady growth in air travel. During the middle part of the last decade, when air travel was growing by about 15 percent each year, the national investment in aviation facilities did not match the growth. Indeed, in 1966 and 1967 serious congestion threatened to choke the system as airplanes were rolled out of our great manufacturing centers to find an airport and airway system sadly out of date. The price for this lack of investment in our aviation system was primarily delay to the millions of travelers who expected the airplane to put them at their destination on time. But safety too, was involved. A shortage of adequately trained air traffic controllers and insufficiently staffed air traffic control facilities, together with insufficient navigational aids at many of the Nation's airports, threatened to seriously compromise the excellent safety record which has been a hallmark of American aviation.

Recognizing the seriousness of the situation caused by a chronic underinvestment in facilities, Congress, in 1970, enacted a sweeping new program which was designed to provide a continuous source of funds to insure that adequate investment in capital facilities would be maintained over a 10-year period. The keystone of this program, known as the Airport and Airway Development Act of 1970, was the creation of a new trust fund.

The Airport and Airway Trust Fund was created and maintained with revenues from user charges enacted on users of the aviation system. Airline passengers, air freight shippers, private aircraft owners and operators, and the airlines themselves were taxed to fund the new program. The most important tax was an 8 percent tax on airline tickets.

The major feature of the program was the airport grant-in-aid assistance, which came to be known as ADAP. The 1970 law provided airport operators—generally cities, counties and, in some cases, States—a source of matching grants from the trust fund to finance, partially, their capital investment needs. Initially, the program provided that not less than \$280 million be spent each year for the grants-in-aid. Second, the program provided a multivear authority to finance new facilities and equipment needed by the Federal Aviation Administration to assure safety and efficiency in the airways systems. The act specified that at least \$250 million annually be spent on air navigation facilities and equipment, such as radar, control towers, and instrument landing systems. The user taxes were established at a level sufficient to assure that adequate funds would be available each year to meet these minimum investment needs.

Despite continued attempts by the administration, since 1970, to shirk on investment in the system, the program has worked quite well, partly because of diligent oversight by the Congress. For example, not a year after the 1970 act became law, the administration diverted \$180

million from the airport development portion of the program and used the funds to pay salaries and overhead at the Federal Aviation Administration (FAA). Despite repeated assurances, from administration spokesmen, about honoring the integrity of the program, and despite a statutory provision requiring that at least \$280 million be invested annually in airport development the first trust fund diversion was accomplished with bewildering speed.

Congress reacted quickly. In 1971, this Committee developed legislation (Public Law 92-174), which closed the door on any future such trust fund raids. Notwithstanding the passage of that amendment, the administration has continued to seek to find methods, several times successfully, to short-change investment in the airport system.

Nonetheless, the program has, in the main, worked rather well since 1970.

Over the 5-year period, fiscal years 1971 through 1975, \$1.3 billion in airport development funds have been obligated involving over 2,400 projects. Eighty-five new airports and 178 new runways have been built and several hundred airports have been upgraded through the accomplishment of projects for improving the installation or improvement of airfield lighting and approach aids. In addition, new federally directed safety and security programs have been instituted and financed, including those for the installation of security fencing and the acquisition of firefighting and rescue equipment.

Thus, the accomplishments under the 1970 legislation by any measure have been substantial. However, the program has been subject to criticism both from airport sponsors who are the direct recipients of the grant-in-aid funds and from the various aviation industry groups which are closely associated with them. Common among the complaints are that there is, first, excessive Federal involvement in the details of proposed projects; second, undue and costly delay in processing grant requests; third, a number of inequities in the method of apportioning funds; and, finally, too much Federal involvement in the local decisionmaking process.

The bill addresses these problems and the unmet needs in the manner indicated below:

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

SECTION 2—AUTHORIZATION EXTENSION

Section 2 increases the obligational authority for airport development grants for the 10-year period ending September 30, 1980, from \$2.5 billion to \$4.695 billion. This increase, discussed in detail below, reflects an increased funding for airport development during the last half of the decade in line with new estimated airport development needs and inflation. Inflation has sent construction costs soaring since 1970.

SECTION 3—DEFINITIONS

Section 3 amends definitions contained in the Airport and Airway Development Act of 1970. "Airport development" is amended to include work involving construction, alteration, or repair of terminal building areas directly related to the movement of passengers and their baggage through the airport. The definition change will permit grants

to be made not only for airfield projects but also for terminal area development. This change is discussed in more detail below.

In addition, the new definition will make it possible for grants-in-aid to be used for snow removal equipment, not now authorized under the 1970 law, and certainly an important safety item at many airports. Noise suppression barriers, devices and noise suppression landscaping on airport property will be eligible for grants to permit airport operators to reduce community annoyance from aircraft noise.

This definition is further expanded to provide that grants may be used for purchasing land adjacent to airports for the purpose of providing a noise buffer area between the airport boundaries and the surrounding community. The Community finds this to be a most important unmet need in the current program. Aircraft noise is perhaps the greatest problem facing aviation today and threatens the continued growth and expansion of the aviation system. We believe that airports should be encouraged to acquire adjacent residential properties which are heavily noise-impacted to insure that future use of such properties will be compatible with the noise levels emanating from airports.

Finally, the definition is expanded to include the development of multimodal passenger terminals which aim to provide a common interchange point with several modes of public transportation. Several communities in the United States now have plans for the development of multimodal passenger facilities in which rail passengers, transit riders, and airline passengers may interconnect among the modes. This type of total transportation planning and development should be encouraged and hopefully will be, by permitting ADAP grants to be used for developing such facilities.

"Air carrier airport," now undefined in the 1970 act, is defined in this bill. Generally, the term includes airports which are served regularly by scheduled and supplemental airlines and airports which do not receive certificated airline service but which receive commuter airline service as a substitute, pursuant to a suspension/replacement agreement sanctioned by the Civil Aeronautics Board (CAB). Airports in Alaska which receive certificated service with small aircraft are also included within the definition. This definition is important in that each publicly owned air carrier airport in the United States is entitled to a minimum amount of grant funds each year for the last 5 years of the decade.

"Capital improvement program" is a new term, as defined in this bill. It is a document which identifies and describes all of the airport development projects which are planned for an airport for a period of not less than 3 successive years and which specifies yearly priorities and annual cost estimates for such projects.

In our view, it is critically important that this legislation follow recent precedent in new Federal grant-in-aid programs and thus direct the DOT/FAA to approve and fund airport capital development programs and not individual projects. The present law, as it has evolved since 1946, continues provisions which require FAA to give detailed review to every step of every single project proposed to be financed by airport communities with some ADAP aid.

The administration's proposal as provided for in the committee bill, consistent with recent mass transit and community development en-

actments of the Congress, envisions a new process whereby the community airport sponsor would develop a comprehensive multiyear capital development program, consistent with regional and local multimodal transportation planning. Then Federal funds would be made available on a formula basis to help sponsors undertake this development with timing of individual projects decided locally after consultation with airport users.

The Committee believes that adoption of this new procedure will be a major step in reducing redtape and streamlining the grant process. As noted previously, one of the major complaints about the existing program is excessive Federal involvement and intrusion into the most minor project details. By use of the capital improvement program we hope to eliminate this unnecessary and time-consuming process.

The terms "general aviation airport" and "reliever airport" are for the first time defined. A general aviation airport is a public airport which is not an air carrier airport and a reliever airport is a general aviation airport which is designated as such by the Secretary and whose primary function is to relieve congestion at an air carrier airport by enabling general aviation traffic to be directed from such air carrier airport. For the purposes of apportionment of funds among classes of airports, the two types of general aviation airports are treated differently.

SECTION 4—THE REVISED NATIONAL AIRPORT SYSTEM PLAN

Section 4 provides for the development of a revised national airport system plan.

Federal aid for airport development is extended to those airports "necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the Postal Service." This system of airports is identified in the National Airport System Plan (NASP), a document prepared, published, and revised as necessary by the Secretary under the mandate of the Airport and Airway Development Act of 1970. This plan, which was initially presented to Congress in September 1973, and which is continually updated, is intended to set forth for each such airport the type and estimated cost of airport development over a 10-year period. The purpose of the NASP is to provide a basis for planned, orderly airport development on a nationwide basis during the decade of the seventies.

The Aviation Subcommittee hearings into the need to revise and extend the 1970 act revealed widespread dissatisfaction with the NASP as inadequate to identify system needs and determine system priorities. In sum, the NASP, as presently constituted, has provided neither the quality nor the type of information necessary in order to enable proper planning and orderly development of a system of airports in this country. Instead, it has become a catalog or directory of airports with a series of proposed projects that sponsors have proposed which may or may not have a relationship to overall national objectives.

One problem is the lack of guidance given the Secretary concerning the types of airports which should be in the NASP. As a consequence

the number of airports in the NASP has steadily increased to the point where as of June 30, 1975, there were 4,041 listed. The Secretary needs to be more selective in designating those airports for inclusion in the NASP and thereby make better use of available manpower and resources and produce a more manageable and useful document.

A second problem is that the NASP contains too much detail to be useful as a tool to focus funds where most needed. This results from the provision in section 16(a) of the 1970 act which prohibits a sponsor from submitting a project application for any "airport development other than that included in the then current revision of the national airport system plan." The NASP has consequently been cluttered with too many insignificant projects, and sponsors have been forced into wasteful clearance procedures of getting each specific project in the NASP in the hope that such project will be eligible for funding.

The Committee has sought to rectify this problem by requiring that a revised NASP be prepared not later than January 1, 1978. The plan should not be a detailed project-by-project compilation of each airport in the present plan but should only include airports which have a role in the national system and should specify present and anticipated future role of such airport in the following 10-year period. The revised plan must also identify the types of airport development projects which will be considered appropriate during that period for an airport of each such classification. In addition, the Secretary is directed to publish on January 1, 1978, and annually thereafter, his estimates as to the cost of achieving the airport development envisioned in such revised plan, including estimates for that development which he considers to be of the highest priority to a national system of public airports.

SECTION 5—PLANNING GRANTS

Under the 1970 statute, two types of grants were authorized; airport development grants and planning grants. Section 5 eliminates the planning grant as a discrete type of grant and places the planning grant authority under the provisions pertaining to airport development grants. This change is meant to streamline the program and to eliminate the need for two distinct types of grants. Under the amendment proposed in this bill, grants for airport system planning and airport master planning will be funded from revenues reserved for airport development grants.

SECTION 6—AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

Section 6 of the bill authorizes the Secretary to enter into agreements to make airport development grants of \$540 million for fiscal year 1976, \$580 million for fiscal year 1977, \$620 million for fiscal year 1978, \$660 million for fiscal year 1979, and \$700 million for fiscal year 1980.

For the purposes of acquiring, establishing, and maintaining air navigation facilities, \$250 million is authorized for each of the fiscal years 1976 through 1980.

For research, development, and demonstration projects the Secretary may obligate not less than \$50 million annually for the fiscal years 1976 through 1980.

Finally, the section provides that trust fund revenues may not be used for any other purposes than those specified in the Airport and Airway Development Act.

The Committee, in considering airport development needs for the 1975-80 period, was concerned that adequate funds be made available to airport sponsors for needed improvements. While the estimate of needs is far greater than the \$540 million per year provided, plus a 6 percent annual escalation factor, the Committee is not convinced that prudent program management will allow us to provide a higher level of Federal funding assistance.

The only systematic compilation of airport development needs was provided the Committee by the Airport Operators Council International. This council found in a joint survey made by it and the American Association of Airport Executives, that more than \$8.1 billion worth of capital development will be required to meet the needs of the Nation's airline and reliever airports over the next 5 years. The survey, the most comprehensive study ever made of U.S. airport requirements, covered 341 airports which represent approximately 186 million enplaned passengers a year, or 93 percent of last year's national total of 200 million passengers. It was conducted by the two associations using data from local airport sponsor corrections to the FAA's National Airport System Plan.

This total of \$8.1 billion would generate 74,000 new full-time jobs in each of the 1976-80 fiscal years covered by the study. In other words, 50,000 construction workers and 24,000 manufacturing employees would be kept busy fulltime for 5 years working to fulfill these airport needs. Their income, in turn, would spread throughout the economy to generate more thousands of jobs during the 5-year period. Of the \$8.1 billion, more than \$3.3 billion, or 41.4 percent, is for airside development at airports—runways, taxiways, et cetera. More than \$3.5 billion, or 44.0 percent, is for development in the landside area, including passenger terminals, baggage handling facilities, and access roads. Another \$1.1 billion, or 14.4 percent, is needed for advance land acquisition for airport development later than 1980, and for noise buffer zones. Under present law neither landside nor landbanking is eligible for Federal airport development grants. The survey also showed that large hub airports as a group have more than \$3.6 billion in total capital development needs, the bulk of which—57.8 percent—is in the landside area. Terminal buildings, ground access and people mover requirements constitute the bulk of these large hub landside requirements. Medium hub airports as a group need more than \$2 billion in total capital development. Small hub, nonhub and reliever airports show a combined total of well over \$2 billion of capital development needs, predominantly in the airside area.

The following tables, supplied by AOCL, outline the scope of the development, by airport classification, which will be required. Note the serious impact inflation has had on purchasing power.

AOOIIAAE AIRPORT CAPITAL DEVELOPMENT SURVEY RESULTS
Reported Development Needs, 1976-1980
(in thousands of dollars)
Up-dated as of August 22, 1975

Area of Need	LARGE HUBS (1,974,000 or more empl.) 25 of 25 airports		MEDIUM HUBS (1,973,989-480,000 empl.) 36 of 44 airports		SMALL HUBS (479,999-96,000 empl.) 65 of 88 airports		NON-HUBS (197,999 or fewer empl.) 154 of 370 airports		RELIEVERS (no emplacements) 61 of 203 airports		TOTAL 341 of 720 airports	
	1,974,000 or more empl. (100%)	1,973,989-480,000 empl. (93%)	1,973,989-480,000 empl. (93%)	479,999-96,000 empl. (89%)	479,999-96,000 empl. (89%)	197,999 or fewer empl. (50%)	197,999 or fewer empl. (50%)	197,999 or fewer empl. (50%)	no emplacements (0%)	no emplacements (0%)	341 of 720 airports (100%)	341 of 720 airports (100%)
At-Grade--Reported	(25) 1,086,827 (55.1%) (35.9%)	(36) 696,937 (35.3%) (23.0%)	(64) 537,612 (27.4%) (17.8%)	(147) 476,997 (24.2%) (18.6%)	(52) 228,837 (11.8%) (17.6%)	(197,999 or fewer empl.) (50%)	(197,999 or fewer empl.) (50%)	(197,999 or fewer empl.) (50%)	no emplacements (0%)	no emplacements (0%)	341 of 720 airports (100%)	341 of 720 airports (100%)
Landside--Reported	(25) 2,130,011 (57.8%) (67.2%)	(21) 803,742 (42.8%) (23.5%)	(55) 226,240 (35.5%) (6.6%)	(112) 120,354 (18.3%) (3.5%)	(38) 146,227 (32.4%) (4.3%)	(197,999 or fewer empl.) (50%)	(197,999 or fewer empl.) (50%)	(197,999 or fewer empl.) (50%)	no emplacements (0%)	no emplacements (0%)	341 of 720 airports (100%)	341 of 720 airports (100%)
Land Banking--Reported	(10) 468,135 (12.7%) (42.6%)	(14) 376,502 (20.1%) (34.2%)	(14) 121,923 (13.8%) (11.1%)	(33) 58,436 (8.9%) (5.3%)	(8) 74,678 (16.6%) (6.8%)	(197,999 or fewer empl.) (50%)	(197,999 or fewer empl.) (50%)	(197,999 or fewer empl.) (50%)	no emplacements (0%)	no emplacements (0%)	341 of 720 airports (100%)	341 of 720 airports (100%)
TOTAL REPORTED	3,684,973 (100%) (48.8%)	1,877,181 (100%) (24.8%)	882,775 (100%) (11.7%)	665,514 (100%) (8.7%)	450,742 (100%) (6.0%)	(197,999 or fewer empl.) (50%)	(197,999 or fewer empl.) (50%)	(197,999 or fewer empl.) (50%)	no emplacements (0%)	no emplacements (0%)	341 of 720 airports (100%)	341 of 720 airports (100%)

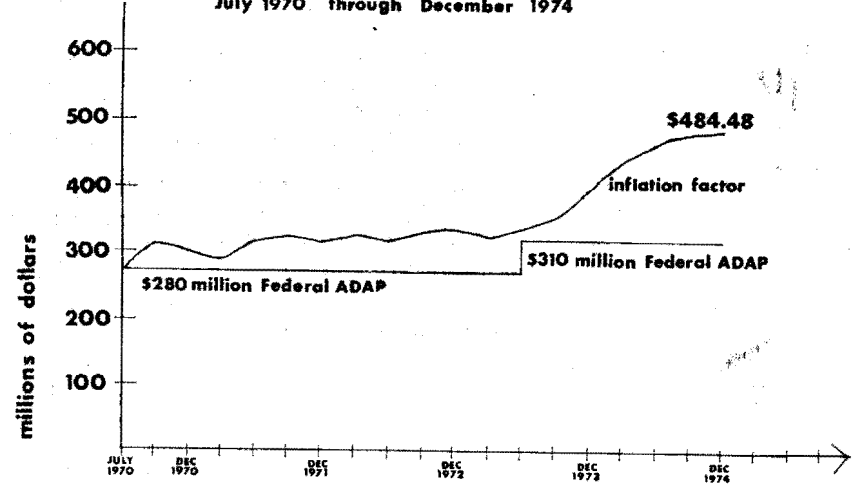
Projected Systemwide Needs, 1976-1980
(in thousands of dollars)

Area of Need	LARGE HUBS 100% Sample		MEDIUM HUBS 93% Sample		SMALL HUBS 89% Sample		NON-HUBS 70% Sample		RELIEVERS 61 airports reporting		TOTAL	
	1,974,000 or more empl. (100%)	1,973,989-480,000 empl. (93%)	1,973,989-480,000 empl. (93%)	479,999-96,000 empl. (89%)	479,999-96,000 empl. (89%)	197,999 or fewer empl. (70%)	197,999 or fewer empl. (70%)	197,999 or fewer empl. (70%)	no emplacements (0%)	no emplacements (0%)	341 of 720 airports (100%)	341 of 720 airports (100%)
At-Grade--Projected	1,086,827 (32.4%)	749,384 (22.4%)	804,056 (18.0%)	661,424 (20.3%)	228,837 (6.9%)	197,999 (50%)	197,999 (50%)	197,999 (50%)	no emplacements (0%)	no emplacements (0%)	341 of 720 airports (100%)	3,351,538 (41.4%) (100%)
Landside--Projected	2,130,011 (59.7%)	884,238 (24.2%)	254,292 (7.1%)	171,505 (4.8%)	146,227 (4.1%)	197,999 (50%)	197,999 (50%)	197,999 (50%)	no emplacements (0%)	no emplacements (0%)	341 of 720 airports (100%)	3,586,165 (44.0%) (100%)
Land Banking--Projected	468,135 (14.1%)	401,840 (54.7%)	130,992 (11.7%)	83,516 (7.1%)	74,678 (6.4%)	197,999 (50%)	197,999 (50%)	197,999 (50%)	no emplacements (0%)	no emplacements (0%)	341 of 720 airports (100%)	1,188,161 (14.4%) (100%)
TOTAL PROJECTED	3,684,973 (100%) (48.5%)	2,018,474 (24.9%)	995,352 (12.3%)	960,734 (11.7%)	450,742 (5.6%)	197,999 (50%)	197,999 (50%)	197,999 (50%)	no emplacements (0%)	no emplacements (0%)	341 of 720 airports (100%)	8,100,175 (100%) (100%)

--horizontal and vertical projected totals may not correspond due to percentage rounding. Likewise, percentage figures may not total 100 due to variations in projected figures due to rounding.
--Percentage figures in parentheses to the right of projected figures indicate percent of hub total.
--Percentage figures in parentheses under projected figures indicate percent of "area of need" total.
--No projection of reliever figures was provided, due to lack of emplacement data base.
--Numbers in brackets () indicate number of airports reporting.

August 1975

THE EFFECT OF INFLATION ON THE AIRPORT DEVELOPMENT AID PROGRAM
July 1970 through December 1974



Source: U.S. Federal Highway Administration Bid Price Index (compounded quarterly).

Based on the foregoing estimates, with which the administration did not take exception, the Committee was disappointed that the President recommended that only \$350 million per year be obligated for airport development grants. Expert testimony before the Committee indicated that \$280 million worth of airport development in 1970 costs \$500 million today, because of inflation and the increasing costs of construction.

The administration's request does not indicate a commitment to adequate investment. Users of the airport and airway system are contributing almost \$1 billion a year in tax revenues which are dedicated to and reserved for improving aviation facilities. Yet the administration doesn't want to spend the money. Rather than proceeding to provide additional badly needed facilities, the administration has requested authority to spend up to \$471 million per year to pay FAA's maintenance costs while overlooking the Nation's critical airport needs. This is a total breach of faith with the users and a raid on their tax dollars. The obvious intent is to take user taxes—money that Congress earmarked for development in our system—and to use it to pay governmental overhead so as to show a decrease in the expenditure of general revenues for the operations of the FAA.

While such fiscal juggling would result in a miniscule dip in the Federal budget deficit, it would do so at the expense of the users who were promised that the new user taxes enacted in 1970 would be used to adequately invest in the system. The Committee deprecates this recommendation particularly in light of the tremendous unmet need at the Nation's airports.

Had the administration appeared before the Committee and sought full funding for airport and airways facilities and proposed to use whatever was leftover from user revenues to defray the costs of operating the FAA, the Committee would have given such a request very careful consideration.

The administration, in testifying before the Committee, gave no logical explanation of why it was proposing such a meager airport development program—a program which is actually a major step backward from 1970 as it would skimp on investment and use user taxes to cut the budget deficit.

While the obligational authority contained in this bill will not come close to meeting the Nation's total airport needs between now and 1980, it at least will make a significant contribution to a program which contains new items for eligibility and a higher ratio of Federal to local funds.

Distribution of funds between classes of airports

The bill provides that of the \$540 million obligational authority for airport development grants, in fiscal year 1976 \$500 million shall be made available to air carrier and reliever airports and \$40 million shall be reserved for general aviation airports. The method of apportioning the funds among airports is explained later in this report.

Research, development, and demonstration

Section 6 authorizes not less than \$50 million each year from the trust funds for research, development, and demonstration. While the Committee has no desire to begin an annual line item authorization procedure as has been suggested by the House for FAA R. & D. activities, we feel strongly that the FAA has been derelict in one particular area of research and demonstration; namely, fog dispersal.

The airlines estimate that delays due to fog cost the carriers tens of millions of dollars each year in wasted fuel, in operations confusion, and in providing travelers with alternative arrangements. Just prior to the Christmas holiday last year, the Seattle-Tacoma International Airport was closed on 3 consecutive days because of heavy ground fog. This resulted in the disruption and/or cancellation of travel plans for thousands of persons at great expense of time and money. Hundreds were stranded at the airport, their journeys to all corners of the globe disrupted.

Yet despite the tremendous costs in time and money and the operational safety hazards fog creates, the FAA has taken little action in recent years to provide leadership in defeating this age-old nemesis of flying.

The Committee has heard convincing testimony during its hearings on this legislation that technology exists today to disperse fog from a major airport in an economical, efficient, and reliable fashion. Recent developments have been so promising that the U.S. Air Force has indicated it plans to test prototypes for fog dispersal systems at several of its bases.

We direct the FAA, therefore, to begin immediately a high priority demonstration program to prove the feasibility, the technology, and the engineering for a fog dispersal system which could eventually be in-

stalled at major U.S. airports troubled with this weather phenomenon. We see no reason for further delay and expect, and request, the Administrator to report to this Committee on or before August 1, 1976, on actions he has taken to test and demonstrate fog dispersal technology.

SECTION 7—DISTRIBUTION OF FUNDS

Section 7 sets forth the formula by which airport development grant funds are to be apportioned among the publicly owned airports in the United States. The formula is designed to assure that each of the Nation's more than 500 air carrier airports receives a predictable amount of funds for each of the next 5 fiscal years, based on the numbers of passengers enplaned at each airport in the preceding year. The very smallest air carrier airports would receive no less than \$150,000 for eligible projects each year, while the largest airports could receive no more than \$10 million.

Basically, the formula splits the grant moneys for air carrier airports into thirds. Two-thirds of the total (or about \$334 million) will be apportioned in accordance with the number of passengers enplaned at each airport. The remaining one-third will be apportioned at the discretion of the Secretary among any air carrier airports he sees fit. The formula is slightly weighted to distribute the money from the largest hub airports, such as Chicago, Los Angeles, and New York, to the medium, small and nonhub airports.

Under the 1970 act, air carrier airport grant funds were apportioned in a slightly different manner. One-third of the funds was apportioned based on passengers enplaned, one-third was apportioned among the States based on a formula which took into account both the area and the population of the State, and the final one-third was apportioned at the discretion of the Secretary.

The major drawback of the old formula was that it did not provide any individual airport with much assurance of a certainty of significant funds in any year. Because one third of the moneys were apportioned according to the State area/population formula, air carrier airport funds could be channeled into any of a number of air carrier airports in one State. For example, in Kansas, both Wichita and Manhattan were competing for funds apportioned according to the area/population ratio. Neither airport had any certain knowledge in any year of what its total funds might be. Each airport could only predict what it should receive under that portion of the formula based on passengers enplaned. This was one of the major faults of the 1970 program and it led to great uncertainty in planning airport development projects.

The Committee believes that the formula adopted in this bill will be a major improvement. Each air carrier airport will know for certain approximately how much Federal assistance it may expect for each of the next 5 years. Smaller airports, which do not have significant enplanements which would result in a large apportionment each year, may still seek funding for major projects (e.g. a new runway or runway extension) by applying for grants from the funds apportioned at the Secretary's discretion. The new formula will strengthen airport planning and orderly development because, for the first time in Federal

airport assistance history, there will be certainty as to a major Federal commitment of funds at each air carrier airport.

Below is a compilation prepared by the FAA indicating what each air carrier airport in the United States may expect in the first year of the program. These figures are subject to some variance because they are based on passenger enplanements in 1974; the 1975 enplanement figures will slightly alter the dollar amounts.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS 1—SENATE DRAFT

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
Alaska:			
Akhiok	512	50,000	12,500
Akiachak	242	50,000	12,500
Akiak	104	50,000	12,500
Akutan	203	50,000	12,500
Alakanuk	549	50,000	12,500
Alakanagik	99	50,000	12,500
Allakaket	198	50,000	12,500
Ambler River	336	50,000	12,500
Anchorage	708,448	1,404,224	351,056
Andreafsky/St. Marys	4,325	50,000	37,500
Angoon		50,000	12,500
Aniak	2,897	150,000	37,500
Anvik	163	50,000	12,500
Arctic Village	9	150,000	37,500
Barof		50,000	12,500
Barrow	11,899	150,000	37,500
Beaver		150,000	37,500
Bethel	29,487	176,922	44,231
Bettles	791	150,000	37,500
Birch Creek		50,000	12,500
Buckland	335	50,000	12,500
Central		50,000	12,500
Chalkyitsik		50,000	12,500
Chandalar Lake	5	50,000	12,500
Chefornak	227	50,000	12,500
Chernofski Harbor	14	50,000	12,500
Chevak	643	50,000	12,500
Chignik Flats		50,000	12,500
Chignik		50,000	12,500
Chisina		50,000	12,500
Chitina	1	50,000	12,500
Circle	103	50,000	12,500
Circle Hot Springs		150,000	37,500
Clarks Point	219	50,000	12,500
Cold Bay	6,208	150,000	37,500
Cordova	13,059	150,000	37,500
Craig	579	50,000	12,500
Crooked Creek	66	50,000	12,500
Deadhorse	14,953	150,000	37,500
Deering	201	50,000	12,500
Dillingham	10,387	150,000	37,500
Dutch Harbor	2,953	150,000	37,500
Eagle		150,000	37,500
Eek	249	50,000	12,500
Egegik	460	50,000	12,500
Ekuk	322	50,000	12,500
Ekwok	427	50,000	12,500
Elim		50,000	12,500
Emmonak	2,025	50,000	12,500
Excursion Inlet		50,000	12,500
Fairbanks	188,228	676,456	169,114
False Pass	254	50,000	12,500
Fort Yukon	1,755	150,000	37,500
Funter Bay	17	50,000	12,500
Galena	5,817	150,000	37,500
Gamble	398	150,000	37,500
Golovin		50,000	12,500
Goodnews	368	50,000	12,500
Grayling	239	50,000	12,500
Gulkana	30	50,000	12,500
Gustavus	771	150,000	37,500
Hawk Inlet		50,000	12,500
Haycock		50,000	12,500
Holy Cross		50,000	12,500
Hooper	9,052	150,000	37,500
Hoonah	8	50,000	12,500
Hooper Bay	1,493	150,000	37,500
Hughes	20	50,000	12,500

See footnote at end of table.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS 1—SENATE DRAFT—Continued

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
Alaska—Continued			
Huslia	491	50,000	12,500
Hydaburg	1,452	50,000	12,500
Igiugig	187	50,000	12,500
Iliamna	1,460	150,000	37,500
Ivanof Bay		50,000	12,500
Juneau	123,913	547,826	136,957
Kalskag	566	50,000	12,500
Kaltag	347	50,000	12,500
Karluk	802	50,000	12,500
Ketchikan	59,498	337,992	84,498
Kiana	568	50,000	12,500
King Cove	1,072	50,000	12,500
King Salmon	13,084	150,000	37,500
Kipnuk	300	50,000	12,500
Kitoi Bay	89	50,000	12,500
Kivalina	416	50,000	12,500
Klawock		50,000	12,500
Kobuk	156	50,000	12,500
Kodiak	32,986	197,916	49,479
Kongiganak		50,000	12,500
Kotlik	3,880	50,000	12,500
Kotzebue	28,676	172,056	43,014
Koyuk		50,000	12,500
Koyukuk	179	50,000	12,500
Kwifhuk	220	50,000	12,500
Kwigillingok		50,000	12,500
Larsen Bay	861	50,000	12,500
Lazy Bay	432	50,000	12,500
Levelock	358	50,000	12,500
Manley Hot Springs		50,000	12,500
Lost River		50,000	12,500
Manokotak	473	50,000	12,500
Marshall	315	50,000	12,500
May Creek	4	50,000	12,500
McCarthy	3	50,000	12,500
McGrath	2,059	150,000	37,500
Medfra		50,000	12,500
Mekoryuk	832	150,000	37,500
Minto		50,000	12,500
Mountain Village	185	50,000	12,500
Napakiak	2	50,000	12,500
Napaskiak	485	50,000	12,500
New Koliganek	394	50,000	12,500
New Stuyahok	686	50,000	12,500
Newtok	80	50,000	12,500
Noatak	448	50,000	12,500
Nome	16,457	150,000	37,500
Noopvik		50,000	12,500
Nulato	509	50,000	12,500
Nunapitchuk	243	50,000	12,500
Old Harbor	2,455	50,000	12,500
Olga Bay	151	50,000	12,500
Ouzinkie	1,919	50,000	12,500
Parks	111	50,000	12,500
Pelican		50,000	12,500
Perryville		50,000	12,500
Petersburg	9,275	55,650	13,913
Pilot Point	397	50,000	12,500
Pilot Station	251	50,000	12,500
Platinum	192	50,000	12,500
Point Hope	997	50,000	12,500
Porcupine Creek		50,000	12,500
Port Bailey	106	50,000	12,500
Port Heiden	575	50,000	12,500
Port Lions	1,788	50,000	12,500
Port Williams	138	50,000	12,500
Portage Creek		50,000	12,500
Quinhagak	1,085	50,000	12,500
Rampart		50,000	12,500
Red Devil	16	50,000	12,500
Ruby	71	50,000	12,500
Russian Mission	190	50,000	12,500
St. Michael	231	50,000	12,500
San Juan	455	50,000	12,500
Sand Point	1,727	150,000	37,500
Savoogna	390	150,000	37,500
Scammon Bay	524	50,000	12,500
Selawik	988	50,000	2,500
Shageluk	256	50,000	12,500
Shaktolik	14	50,000	12,500
Seldon Point	112	50,000	12,500

See footnote at end of table.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS—SENATE DRAFT—Continued

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
Alaska—Continued			
Shishmaref		50,000	12,500
Shungnak	302	50,000	12,500
Sitka	32,725	196,350	49,088
Sleetmute	54	50,000	12,500
Solomon		50,000	12,500
South Naknek	112	50,000	12,500
Stebbins	85	50,000	12,500
Stevens Village		50,000	12,500
Stoney River	26	50,000	12,500
Takotna		50,000	12,500
Tanana	887	50,000	12,500
Tanunak		50,000	12,500
Teller		50,000	12,500
Teller Mission		50,000	12,500
Tenakee Springs		50,000	12,500
Tin City	1,435	50,000	12,500
Togiak Village		50,000	12,500
Toksook Bay	831	50,000	12,500
Tuluksak	170	50,000	12,500
Tuntaliak	9	50,000	12,500
Twin Hills		50,000	12,500
Ugashik	167	50,000	12,500
Umnak	123	150,000	37,500
Unalakleet	1,668	150,000	37,500
Valdez		150,000	37,500
Venette		50,000	12,500
Wainwright		50,000	12,500
Wales		50,000	12,500
White Mountain		50,000	12,500
Wiseman	21	50,000	12,500
Wrangell	6,138	50,000	12,500
Yakutat	6,321	150,000	37,500
Zachar Bay	182	50,000	12,500
State total (183)	1,392,895	15,565,392	3,891,350
Alabama:			
Anniston County	27,320	163,920	40,980
Birmingham	599,557	1,349,779	337,445
Dothan	58,413	333,652	83,413
Florence/Sheffield/Tuscaloosa	21,215	150,000	37,500
Gadsden	8,438	150,000	37,500
Huntsville/Decatur	230,481	760,962	190,241
Mobile	259,949	819,893	204,975
Montgomery	193,042	686,084	171,521
Tuscaloosa-Van DeGraff	28,385	170,310	42,578
State total (9)	1,426,800	4,584,605	1,146,153
Arizona:			
Flagstaff	11,877	150,000	37,500
Grand Canyon National Park	54,592	318,368	79,592
Kingman Municipal	1,101	150,000	37,500
Page	5,507	150,000	37,500
Phoenix Sky Harbor	2,049,320	2,074,660	518,665
Tucson International	622,473	1,361,237	340,389
Yuma International	3,599	150,000	37,500
Winslow	3,599	150,000	37,500
State total (8)	2,752,068	4,504,264	1,126,066
Arkansas:			
El Dorado	6,889	150,000	37,500
Fayetteville-Drake Field	45,432	272,592	68,148
Fort Smith Municipal	74,220	395,000	99,220
Harrison-Boone County	8,267	150,000	37,500
Hot Springs-Memorial Field	28,167	169,002	42,251
Jonesboro Municipal	5,134	150,000	37,500
Little Rock-Adams Field	416,153	1,132,306	283,077
Pine Bluff-Grider Field	3,585	150,000	37,500
Texarkana Municipal	29,355	176,130	44,033
State total (9)	617,202	2,746,910	686,729
California:			
Bakersfield	95,534	482,136	120,534
Blythe	1,308	150,000	37,500
Chico Municipal	14,797	150,000	37,500
Crescent City	5,524	150,000	37,500
Eureka/Arcata	73,271	393,084	98,271
Fresno	369,633	1,039,266	259,817

See footnote at end of table.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS—SENATE DRAFT—Continued

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
California—Continued			
Imperial	25,794	154,764	38,691
Los Angeles International	11,741,239	6,920,620	1,730,155
Merced Municipal	12,856	150,000	37,500
Modesto	28,046	168,276	42,069
Monterey	228,726	757,452	189,363
Oakland	1,233,279	1,666,640	416,660
Ontario International	605,214	1,352,607	338,152
Palm Springs	169,306	638,612	159,653
Redding	30,231	181,386	45,347
Sacramento Metropolitan	906,294	1,503,147	375,787
San Diego International	2,225,247	2,162,624	540,656
San Francisco International	7,710,842	4,905,421	1,226,355
San Jose Municipal	1,084,874	1,592,437	398,109
Santa Ana	347,696	995,392	248,848
Santa Barbara	158,578	617,156	154,289
Santa Maria Public	44,571	267,426	66,857
Stockton Metropolitan	68,295	373,180	93,295
Visalia Municipal	9,549	150,000	37,500
State total (24)	27,191,104	26,921,626	6,730,408
Colorado:			
Alamosa	11,457	150,000	37,500
Aspen	84,512	438,048	109,512
Colorado Springs-Peterson Field	267,997	835,994	208,999
Cortez	7,436	150,000	37,500
Denver	5,359,550	3,729,775	932,444
Durango	18,657	150,000	37,500
Grand Junction-Walker	107,764	515,528	128,882
Gunnison	10,064	150,000	37,500
Lamar	2,252	150,000	37,500
Montrose/Delta	11,760	150,000	37,500
Pueblo	45,014	270,084	67,521
Steamboat Springs-Yampa Valley	8,104	150,000	37,500
State total (12)	5,934,567	6,839,429	1,709,858
Connecticut:			
Hartford-Bradley	1,187,645	1,643,823	410,956
Tweed-New Haven	49,192	295,152	73,788
New London	76,889	407,556	101,889
State total (3)	1,313,726	2,346,531	586,633
Florida:			
Daytona Beach	236,196	772,392	193,098
Fort Myers-Page Field	168,134	636,268	159,067
Gainesville	82,417	429,668	107,417
Jacksonville	878,800	1,489,400	372,350
Key West	44,025	264,150	66,038
Melbourne-Cape Kennedy	139,543	579,085	144,772
Miami-Ft. Lauderdale	1,693,453	1,896,727	474,182
Miami International	6,193,863	4,146,902	1,036,725
Orlando	1,477,479	1,788,740	447,185
Panama City	78,571	414,284	103,571
Pensacola	200,503	701,006	175,252
Sarasota-Bradenton	300,746	901,492	225,373
Tallahassee	236,713	773,426	193,357
Tampa	2,570,011	2,335,006	583,751
Valparaiso	93,936	475,744	118,936
West Palm Beach	711,782	1,405,891	351,473
State total (16)	15,106,112	19,010,182	4,752,547
Georgia:			
Aithany	53,017	312,068	78,017
Athens	10,517	150,000	37,500
Atlanta	12,244,031	7,172,016	1,793,004
Augusta	174,283	648,566	162,142
Columbus	146,131	592,262	148,066
Macon	81,175	424,700	106,175
Moultrie	6,141	150,000	37,500
Savannah	229,836	759,672	189,918
Valdosta	16,325	150,000	37,500
State total (9)	12,961,456	10,359,284	2,589,822
Hawaii:			
Hilo	695,247	1,397,624	349,406
Hana	7,660	150,000	37,500
Honolulu	5,008,430	3,554,215	888,554

See footnote at end of table.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS¹—SENATE DRAFT—Continued

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
Hawaii—Continued			
Kahului	885,620	1,492,810	373,203
Kailua Kona	352,959	1,005,918	251,480
Kamuela	43,001	258,006	64,502
Kaunakakai	64,248	356,992	89,248
Lanai	17,707	150,000	37,500
Lihue	914,914	1,507,457	376,864
State total (9)	7,989,786	9,873,022	2,468,257
Idaho:			
Boise	371,567	1,043,134	260,784
Fanning Field	59,009	336,036	84,009
Lewiston Clarkson	44,071	264,426	66,107
Pocatello	44,786	268,716	67,179
Twin Fall-City College at	46,365	278,190	69,548
State total (5)	565,798	2,190,502	547,627
Illinois:			
Bloomington	19,225	150,000	37,500
Champaign-University of Illinois	93,684	474,736	118,684
Chicago Midway	280,642	861,284	215,321
Ohare	16,926,712	9,513,356	2,378,339
Decatur	37,338	224,028	56,007
Danville	10,566	150,000	37,500
Galesburg	6,393	150,000	37,500
Marion-Williamson City	11,826	150,000	37,500
Mattoon-Coles City Memorial	4,917	150,000	37,500
Moline-Quad City	253,246	806,492	201,623
Mount Vernon	6,196	150,000	37,500
Peoria	158,825	617,650	154,413
Quincy/Hannibal	20,674	150,000	37,500
Rockford	6,313	150,000	37,500
Springfield—Capital	97,086	488,344	122,086
Sterling-Whiteside County	10,784	150,000	37,500
State total (16)	17,944,427	14,335,890	3,583,973
Indiana:			
Bloomington	19,225	150,000	37,500
Evansville	200,071	700,142	157,036
Fort Wayne	210,758	721,516	180,379
Indianapolis	1,287,961	1,693,981	423,495
Kokomo	3,091	150,000	37,500
South Bend-St Joseph	181,898	663,796	165,949
Terre Haute	18,136	150,000	37,500
State total (7)	1,922,140	4,229,435	1,057,359
Iowa:			
Burlington	24,504	150,000	37,500
Cedar Rapids	193,127	686,254	171,564
Des Moines	510,254	1,305,127	326,282
Dubuque	31,263	187,578	46,895
Fort Dodge	5,018	150,000	37,500
Mason City	15,641	150,000	37,500
Ottumwa	6,467	150,000	37,500
Sioux City	112,173	524,346	131,087
Waterloo	102,020	504,040	126,010
State total (9)	1,000,467	3,807,345	951,838
Kansas:			
Garden City	8,105	150,000	37,500
Goodland	2,103	150,000	37,500
Hays	9,347	150,000	37,500
Liberal-Guymon	13,973	150,000	37,500
Manhattan	44,907	269,442	67,361
Parsons	2,808	150,000	37,500
Salina	19,103	150,000	37,500
Topeka (Billard)	36,218	217,308	54,327
Wichita	408,237	1,116,474	279,119
State total (9)	544,801	2,503,224	625,807

See footnote at end of table.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS¹—SENATE DRAFT—Continued

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
Kentucky:			
Greater Cincinnati	1,367,867	1,733,934	433,483
Lexington (Blue Grass)	212,818	725,636	181,409
London-Corbin	3,911	150,000	37,500
Louisville (Stanford)	880,522	1,490,261	372,565
Owensboro (O-Davis Co.)	6,241	150,000	37,500
Paducah (Barkely Field)	44,557	267,342	66,836
State total (6)	2,515,916	4,517,173	1,129,293
Louisiana:			
Alexandria (Esler)	63,420	353,680	88,420
Baton Rouge (Ryan)	146,250	592,500	148,125
Lafayette	93,825	475,300	118,825
Lake Charles	34,224	205,344	51,336
Monroe	86,243	444,972	111,243
New Orleans (Moissant)	2,321,177	2,210,589	552,647
Shreveport (Muni.)	351,223	1,002,446	250,612
State total (7)	3,096,362	5,284,831	1,321,207
Maine:			
Auburn-Lewiston	1,740	150,000	37,500
Augusta	15,808	150,000	37,500
Bangor	186,030	672,060	168,015
Portland	166,486	632,972	158,243
Presque Isle	33,406	200,436	50,109
Waterville	8,177	150,000	37,500
State total (6)	411,647	1,955,468	488,867
Maryland:			
Baltimore	1,557,591	1,828,796	457,199
Hagerstown	13,771	150,000	37,500
Salisbury	30,920	185,520	46,380
State total (3)	1,602,282	2,164,316	541,079
Massachusetts:			
Boston (Logan)	5,392,155	3,746,078	936,519
Hyannis (Barnstable)	43,546	261,276	65,319
Marthas Vineyard	21,494	150,000	37,500
Nantucket	39,989	239,934	59,984
New Bedford	9,395	150,000	37,500
Worcester	17,989	150,000	37,500
State total (6)	5,524,568	4,697,288	1,174,322
Michigan:			
Alpena (Phelps Collins)	8,743	150,000	37,500
Benton Harbor (Ross Field)	29,348	176,088	44,022
Detroit (City apartment)	36,674	220,044	55,011
Detroit Metropolitan Wayne City	4,111,720	3,105,860	776,465
Escanaba	16,603	150,000	37,500
Flint (Bishop)	102,300	504,600	126,150
Grand Rapids (Kent County)	291,216	882,432	220,608
Hancock (Houghton County)	22,914	150,000	37,500
Iron Mountain (Ford)	15,403	150,000	37,500
Ironwood (Ashland)	8,906	150,000	37,500
Jackson (Reynolds)	9,064	150,000	37,500
Kalamazoo-Battle Creek	99,303	497,212	124,303
Lansing (Capital City)	164,300	682,600	157,150
Manistee	3,423	150,000	37,500
Marquette (Menominee County)	8,882	150,000	37,500
Marquette	35,389	212,334	53,084
Muskegon	71,915	387,660	96,915
Pellston	27,179	163,074	40,769
Saginaw Bay City	174,308	648,616	162,154
Sault St. Marie	12,665	150,000	37,500
Traverse City	63,072	352,288	88,072
State total (21)	5,313,327	9,128,808	2,282,203
Minnesota:			
Bemidji	12,598	150,000	37,500
Brainerd	10,536	150,000	37,500
Chisholm/Hibbing	16,417	150,000	37,500

See footnote at end of table.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS¹—SENATE DRAFT—Continued

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
Minnesota—Continued			
Duluth/Superior	112,225	524,450	131,113
Fairmont	3,789	150,000	37,500
International Falls	14,556	150,000	37,500
Mankato	3,319	150,000	37,500
Minneapolis/St. Paul	3,332,108	2,716,054	679,014
Rochester	144,588	589,176	147,294
Thief River Falls	9,084	150,000	37,500
Winona	2,682	150,000	37,500
Worthington	2,971	150,000	37,500
State total (12)	3,664,873	5,179,680	1,294,921
Mississippi			
Columbus	36,141	216,846	54,212
Greenville	29,297	175,782	43,946
Greenwood	2,637	150,000	37,500
Guilford/Biloxi	86,110	444,440	111,110
Hattiesburg	4,399	150,000	37,500
Jackson/Vicksburg	342,799	984,598	246,150
Meridian	30,728	184,368	46,092
Natchez	3,339	150,000	37,500
Tupelo	12,773	150,000	37,500
University-Oxford	1,560	150,000	37,500
State total (10)	549,283	2,756,034	689,010
Missouri			
Cape Girardeau	11,644	150,000	37,500
Columbia/Jefferson City	34,518	207,108	51,777
Joplin	48,363	290,178	72,545
Kansas City (International)	2,151,472	2,125,736	531,434
Kaiser	8,365	150,000	37,500
Kirksville	3,084	150,000	37,500
St. Louis (Lambert)	3,406,680	2,753,340	688,335
Springfield	113,548	527,096	131,774
State total (8)	5,777,674	6,353,458	1,588,365
Montana			
Billings (Logan)	259,548	819,096	204,774
Bozeman	40,172	241,032	60,258
Butte	42,487	254,922	63,731
Glasgow	2,124	150,000	37,500
Glendive	846	150,000	37,500
Great Falls (International)	140,283	580,566	145,142
Havre	840	150,000	37,500
Helena	38,235	229,410	57,353
Kalispell	18,630	150,000	37,500
Lewiston	899	150,000	37,500
Miles City	1,122	150,000	37,500
Missoula	89,365	457,460	114,365
Sidney	1,032	150,000	37,500
West Yellowstone	10,778	150,000	37,500
Wolf Point	1,088	150,000	37,500
State total (15)	647,449	3,932,486	983,123
Nebraska			
Alliance	1,674	150,000	37,500
Chardon	2,595	150,000	37,500
Columbus	2,242	150,000	37,500
Grand Island	25,026	159,156	37,539
Hastings	5,984	150,000	37,500
Kearney	5,669	150,000	37,500
Lincoln	148,165	596,339	149,083
McCook	3,865	150,000	37,500
Norfolk	5,027	150,000	37,500
Nroth Platte	17,465	150,000	37,500
Omaha (Eppley)	775,635	1,437,818	359,454
Scotts Bluff	21,723	150,000	37,500
Sidney	1,882	150,000	37,500
State total (13)	1,017,132	3,684,304	921,076
Nevada			
Elko	18,461	150,000	37,500
Ely	6,536	150,000	37,500
Las Vegas	2,862,570	2,481,285	620,321
Reno	544,404	1,322,202	330,551
State total (4)	3,431,971	4,103,487	1,205,872

See footnote at end of table.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS¹—SENATE DRAFT—Continued

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
New Hampshire:			
Keene	12,369	150,000	37,500
Manchester-Grenier Field	35,156	210,936	52,734
Lebanon	23,912	150,000	37,500
State total (3)	71,437	510,936	127,734
New Jersey:			
Atlantic City	31	150,000	37,500
Cape May	7,292	150,000	37,500
Newark (including New York)	44,624	267,744	66,936
Trenton	—	—	—
State total (3)	51,947	567,744	141,936
New Mexico:			
Alamogordo	6,734	150,000	37,500
Albuquerque	784,365	1,442,183	360,546
Carlsbad-Cavern City	5,392	150,000	37,500
Clovis	8,421	150,000	37,500
Farmington	32,559	195,354	48,839
Gallup-Senator Clarke	9,141	150,000	37,500
Hobbs-Lea County	5,742	150,000	37,500
Roswell Industrial A.C.	26,906	161,436	40,359
Silver City	5,113	150,000	37,500
State total (9)	884,373	2,698,973	674,744
New York:			
Albany	602,148	1,351,074	337,769
Binghamton-Broome County	104,193	508,386	127,097
Greater Buffalo International	1,358,327	1,729,164	432,291
Elmira-Chemung County	99,314	497,256	124,314
Ithaca	112,899	525,798	131,450
Ithaca-Tompkins County	43,258	259,548	64,887
Jamestown	6,109	150,000	37,500
Massena	4,949	150,000	37,500
New York (JFK)	10,324,467	6,212,234	1,553,058
New York (LGA)	7,112,848	4,606,424	1,151,606
New York (EWR)	3,426,502	2,763,251	690,813
Ogdenburg	3,061	150,000	37,500
Plattsburg	12,128	150,000	37,500
Rochester-Monroe County	815,605	1,457,803	364,451
Saranac Lake	2,115	150,000	37,500
Syracuse-Hancock	750,215	1,425,108	356,277
Utica/Rome-Oneida County	47,824	286,944	71,736
Watertown	7,704	150,000	37,500
White Plains-Westchester	57,080	328,320	82,080
State total (19)	24,890,115	22,851,310	5,712,829
North Carolina:			
Asheville	156,390	612,780	153,195
Charlotte	1,169,619	9,634,810	408,702
Fayetteville	156,376	612,752	153,188
Greensboro (region)	497,606	1,295,212	323,803
Winston Salem	56,018	324,072	81,018
Hickory	16,830	150,000	37,500
Jacksonville (Ellis)	41,471	248,826	62,207
Kinston (Stallings)	48,361	290,166	72,542
New Bern (Simmons Nott)	37,568	225,408	56,352
Raleigh Durham	649,156	1,374,578	343,645
Rocky Mount (Wilson)	9,967	150,000	37,500
Wilmington	82,056	428,224	107,056
State total (12)	2,921,418	7,346,828	1,836,708
North Dakota:			
Bismarck	91,934	467,736	116,934
Devils Lake	1,911	150,000	37,500
Fargo Moorhead	123,407	546,814	136,704
Grand Forks (International)	75,569	402,276	100,569
Jamestown	9,291	150,000	37,500
Minot	57,278	329,112	82,278
Williston	3,446	150,000	37,500
Staff total (7)	362,836	2,195,938	548,985
Ohio:			
Akron Canton	251,247	802,494	200,624
Cleveland (Hopkins)	2,895,155	2,497,578	624,394
Cleveland (Burke Lakefront)	35,644	213,864	53,466

See footnote at end of table.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS 1—SENATE DRAFT—Continued

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
Ohio—Continued			
Columbus.....	1,028,004	1,564,002	391,001
Dayton.....	795,992	1,447,996	361,999
Mansfield.....	7,763	150,000	37,500
Toledo.....	258,185	816,370	204,093
Youngstown.....	136,053	572,106	143,027
Zanesville.....		150,000	37,500
State total (9).....	5,408,043	8,214,410	2,053,604
Oklahoma:			
Enid.....	4,012	150,000	37,500
Lawton.....	47,569	285,414	71,354
McAlester.....	11	150,000	37,500
Oklahoma City (Will Rogers).....	741,233	1,420,617	355,154
Ponca City.....	1,138	150,000	37,500
Stillwater.....	1,155	150,000	37,500
Tulsa.....	636,994	1,368,497	342,124
State total (7).....	1,432,112	3,674,528	918,632
Oregon:			
Astoria-Seaside.....	1,776	150,000	37,500
Bend/Redmond.....	6,689	150,000	37,500
Eugene.....	134,234	568,468	142,117
Klamath Falls.....	23,033	150,000	37,500
Medford.....	93,653	474,612	118,653
North Bend/Coos Bay.....	15,132	150,000	37,500
Pendleton.....	27,389	164,334	41,084
Portland.....	1,509,953	1,804,977	451,244
Salem.....	13,825	150,000	37,500
State total (9).....	1,825,684	3,762,391	940,598
Pennsylvania:			
Allentown/Bethlehem/Easton.....	220,064	740,128	185,032
Altoona.....	19,737	150,000	37,500
Clearfield-Philipsburg.....	18,360	150,000	37,500
Bradford.....	22,680	150,000	37,500
Dubois.....	11,633	150,000	37,500
Erie.....	124,645	549,290	137,323
Harrisburg (Olmstead).....	296,776	893,556	223,389
Hazleton.....	2,009	150,000	37,500
Johnstown.....	22,036	150,000	37,500
Lancaster.....	26,139	156,834	39,209
Lancaster.....	8,345	150,000	37,500
Oil City-Franklin.....	3,992,660	3,046,330	761,583
Philadelphia (International).....	3,776,755	2,938,378	734,594
Pittsburgh (Greater Pittsburgh).....	29,311	175,866	43,967
Reading.....	153,892	607,784	151,946
Scranton/Wilkes Barre.....	39,944	239,664	59,916
Williamsport.....			
State total (16).....	8,764,988	10,397,830	2,599,459
Rhode Island: Providence (total (1)).....			
	441,967	1,183,934	295,984
South Carolina:			
Charleston.....	355,505	1,011,010	252,753
Columbia.....	359,229	1,018,458	254,615
Florence.....	27,073	162,438	40,610
Greenville/Spartanburg.....	248,225	796,450	199,113
Myrtle Beach.....	44,535	267,210	66,803
State total (5).....	1,034,567	3,255,566	813,894
South Dakota:			
Aberdeen.....	29,832	178,992	44,748
Brookings.....	2,512	150,000	37,500
Huron-Howes Municipal.....	4,053	150,000	37,500
Mitchell.....	3,789	150,000	37,500
Pierre.....	38,064	228,384	57,096
Rapid City.....	117,856	535,712	133,928
Sioux Falls-Joe Foss.....	228,936	757,872	189,468
Watertown.....	15,113	150,000	37,500
Yankton-Chan. Gurney.....	4,731	150,000	37,500
State total (9).....	444,886	2,450,960	612,740

See footnote at end of table.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS 1—SENATE DRAFT—Continued

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
Tennessee:			
Bristol-Tri City.....	195,504	691,008	172,752
Chattanooga-Lovell Field.....	238,553	777,106	194,277
Clarksville-Outlaw.....	7,841	150,000	37,500
Jackson-McKellar.....	13,896	150,000	37,500
Knoxville-McGhee Tyson.....	391,328	1,082,656	270,664
Memphis.....	1,951,765	2,025,883	506,471
Nashville.....	828,268	1,464,134	366,034
State total (7).....	3,627,155	6,340,787	1,585,198
Texas:			
Abilene.....	41,652	249,912	62,478
Amarillo.....	201,035	702,070	175,518
Austin-Robert Mueller.....	359,821	1,019,642	254,911
Beaumont-Jefferson County.....	73,465	393,860	98,465
Brownsville-Harlingen.....	42,718	256,308	64,077
Brownwood.....	3,804	150,000	37,500
Corpus Christi.....	187,200	674,400	168,600
Dallas-Fort Worth, regional.....	7,496,211	4,798,106	1,199,526
El Paso.....	555,036	1,327,518	331,880
Harlingen.....	42,718	256,308	64,077
Houston International.....	3,155,689	2,627,845	656,961
Laredo.....	17,670	150,000	37,500
Longview-Gregg County.....	12,203	150,000	37,500
Lubbock.....	232,503	765,006	191,252
McAllen.....	73,062	392,248	98,062
Midland/Odessa.....	217,475	734,950	183,738
Paris-Cox Field.....	1,619	150,000	37,500
San Angelo-Mathis Field.....	25,333	151,998	38,000
San Antonio.....	1,114,909	1,607,455	401,864
Temple-Draughton-Miller.....	20,335	150,000	37,500
Tyler-Pounds Field.....	10,397	150,000	37,500
Victoria.....	8,577	150,000	37,500
Waco.....	19,380	150,000	37,500
Wichita Falls.....	80,861	423,444	105,861
State total (24).....	13,993,673	17,581,070	4,395,270
Utah:			
Cedar City.....	5,969	150,000	37,500
Moab.....	1,783	150,000	37,500
Salt Lake City.....	1,396,988	1,748,494	437,124
Vernal.....	6,059	150,000	37,500
State total (4).....	1,410,799	2,198,494	549,624
Vermont:			
Barre-Montpelier.....	7,824	150,000	37,500
Burlington.....	113,651	527,302	131,826
Rutland.....	2,512	150,000	37,500
State total (3).....	123,987	827,302	206,826
Virginia:			
Charlottesville.....	52,278	309,112	77,278
Danville.....	7,028	150,000	37,500
Hot Springs-Ingalls.....	4,666	150,000	37,500
Lynchburg.....	57,463	329,852	82,463
Newport-News-Patrick Henry.....	217,569	735,138	183,785
Norfolk.....	729,662	1,414,831	353,708
Richmond-Richard E. Byrd.....	447,367	1,194,734	298,684
Roanoke.....	357,185	1,014,370	253,593
Staunton-Shenandoah.....	21,772	150,000	37,500
State total (9).....	1,894,990	5,448,037	1,362,011
Washington:			
Ephrata.....	1,410	150,000	37,500
Pasco-Tri-City.....	63,868	355,472	88,868
Pullman.....	18,894	150,000	37,500
Seattle-Tacoma International.....	2,911,969	2,505,985	626,496
Spokane.....	589,676	1,344,838	336,210
Walla Walla.....	16,779	150,000	37,500
Wenatchee.....	7,265	150,000	37,500
Yakima.....	77,185	408,740	102,185
State total (8).....	3,687,046	5,215,035	1,303,759

See footnote at end of table.

ESTIMATED DISTRIBUTION OF AIR CARRIER PROGRAM FUNDS¹—SENATE DRAFT—Continued

State and location	1974 enplanements	Fiscal year 1976	Fiscal year 1977
West Virginia:			
Ashland/Huntington	92,277	469,108	117,277
Beckley-Raleigh County	10,047	150,000	37,500
Charleston Kanawha	251,533	803,066	200,767
Clarksburg-Benedum	37,852	227,112	56,778
Elkins	3,130	150,000	37,500
Greenbrier	15,267	150,000	37,500
Morgantown	28,668	172,008	43,002
Parkersburg-Wood County	45,225	271,350	67,838
Princeton-Mercer County	25,312	151,872	37,968
State total (9)	5,931,111	2,544,516	636,130
Wisconsin:			
Beloit-Rock County	6,091	150,000	37,509
Eau Claire	26,483	158,898	39,725
Green Bay Clintonville	244,223	788,446	197,112
La Crosse	52,712	310,848	77,712
Madison-Truax	261,883	823,766	205,942
Manitowoc	9,022	150,000	37,500
Milwaukee-General Mitchell	1,181,571	640,786	410,196
Oshkosh-Wittman	57,571	330,284	82,571
Rhineland-Oneida County	21,120	150,000	37,500
Wausau-Central Wisconsin	71,085	384,300	96,085
State total (10)	1,931,761	4,887,368	1,221,843
Wyoming:			
Casper	79,699	418,796	104,699
Cheyenne	35,173	211,038	52,760
Jackson	32,228	193,368	48,342
Laramie-General Brees	10,031	150,000	37,500
Lovell-Cody	6,235	150,000	37,500
Riverton	12,925	150,000	37,500
Rock Springs	16,791	150,000	37,500
Sheridan	12,867	150,000	37,500
Worland	4,903	150,000	37,500
State total (9)	210,852	1,723,202	430,801
Puerto Rico:			
Ponce	155,646	611,292	152,823
San Juan	2,799,608	2,449,804	612,451
Total (2)	2,955,254	3,061,096	765,274
Virgin Islands:			
Charlotte Amalie	491,075	1,282,150	320,538
Christiansted	256,934	813,868	203,467
Total (2)	748,009	2,096,018	524,005
Guam: Agana (total (1))	302,343	904,686	226,172
American Samoa: Pago Pago (total (1))	26,369	158,214	39,554
Caroline Islands:			
Koror	8,091	150,000	37,500
Truk	7,577	150,000	37,500
Yap	4,186	150,000	37,500
Total (3)	19,854	450,000	112,500
Mariana Islands:			
Rota	742	150,000	37,500
Saipan	61,958	347,832	86,958
Total (2)	62,700	497,832	124,458
Marshall Islands: Majuro (total (1))	7,795	150,000	37,500
50 State total (631)	208,193,780	299,452,134	74,863,075
Other (12)	4,122,324	7,137,846	1,829,463
Total apportioned		306,769,980	76,692,538
Total discretionary		193,230,020	48,307,462
Grand total (632)	212,262,104	500,000,000	125,000,000

¹ Distribution formula: \$6 each for the 1st 50,000 enplanements; \$4 each for the next 50,000; \$2 each for the next 400,000; and \$0.50 each for enplanements over 500,000. (\$50,000 (< 12,500 lbs.) or \$150,000 (> 12,500 lbs.) minimum; \$10,000,000 maximum.) Apportionments are based on 1974 enplanements. A maximum of 2% of total less \$20,000,000 (per fiscal year) is apportioned directly to airports.

AIRPORT DEVELOPMENT AID PROGRAM DISTRIBUTION OF \$30,000,000 FOR GENERAL AVIATION AIRPORT DEVELOPMENT FOR FISCAL YEAR 1976 USING AREA/POPULATION FORMULA

State	State apportionment	State	State apportionment
Alabama	\$466,721	Nebraska	423,621
Alaska	2,406,375	Nevada	485,479
Arizona	594,056	New Hampshire	92,495
Arkansas	358,180	New Jersey	561,440
California	2,117,789	New Mexico	569,850
Colorado	586,945	New York	1,558,988
Connecticut	246,171	North Carolina	589,236
Delaware	50,217	North Dakota	333,013
District of Columbia	56,172	Ohio	967,681
Florida	747,344	Oklahoma	473,659
Georgia	578,530	Oregon	549,105
Hawaii	83,843	Pennsylvania	1,057,872
Idaho	392,445	Rhode Island	75,156
Illinois	1,054,803	South Carolina	318,548
Indiana	531,456	South Dakota	362,558
Iowa	437,400	Tennessee	461,911
Kansas	500,482	Texas	1,914,601
Kentucky	402,048	Utah	423,544
Louisiana	470,395	Vermont	71,908
Maine	213,236	Virginia	515,697
Maryland	339,644	Washington	529,236
Massachusetts	456,972	West Virginia	237,481
Michigan	1,048,200	Wisconsin	594,970
Minnesota	631,574	Wyoming	422,669
Mississippi	359,892		
Missouri	628,882	State apportionment total	30,000,000
Montana	649,593		

Apportionment formula for general aviation airports

Section 7 provides the same apportionment formula for general aviation airports that is contained in the 1970 act. Seventy-five percent of the general aviation airport funds, \$30 million in fiscal year 1976 will be apportioned among the States according to the State area/population formula. One percent of the moneys will be reserved for general aviation airports in the territories and possessions of the United States and 24 percent will be apportioned among general aviation airports at the discretion of the Secretary.

SECTION 8—STREAMLINED AIRPORT GRANT-IN-AID PROCESS

Section 8 is intended to cut down the redtape and delay which is currently associated with airport development project grant requests. This section allows an airport sponsor to develop, for his airport, a capital improvement program which is a compilation of all projects, in order of his priority, that are expected to be accomplished for a period of not less than 3 years. This procedure will end the project-by-project approval process which is now required. Once the capital improvement program has been approved by the Secretary, the sponsor may proceed to implement each project without obtaining approval for each.

The Committee believes that this is an important improvement in the 1970 act and that it will cut significantly the number of steps involved in getting the grant from the Federal Government to the airport operator.

SECTION 9—FEDERAL SHARE OF AIRPORT DEVELOPMENT PROJECTS

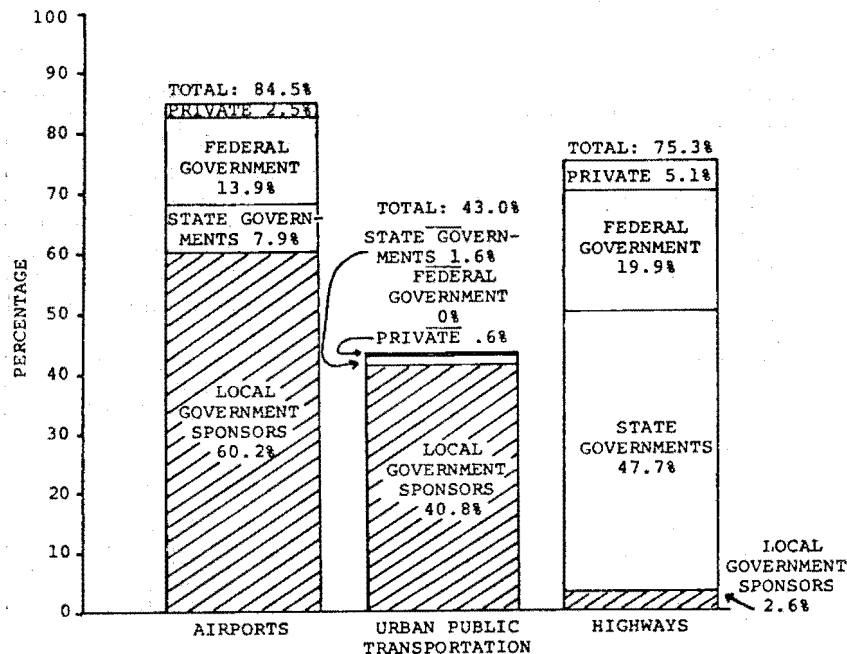
Section 9 provides for an increase in the U.S. share of airport development projects. Under the program established in 1970 and amended in 1973, the Federal share for airport development projects is generally 75 percent Federal and 25 percent local. However, for

the large hub airports (airports which enplane more than 2 million passengers annually), the ratio is 50 percent Federal and 50 percent local.

The Federal Government currently provides a smaller share of total airport program costs (both in percentages and in dollars) than for highways or urban public transportation, even though surplus Federal aviation user tax receipts are available. Unlike the highway program, State governments provide minimal funding for airport development, which traditionally has been a direct Federal-local partnership. State aid to municipally owned airports has not exceeded 7.6 percent of total sponsor costs, which is even less than States are providing for urban public transportation. Local (city/county) airport sponsors generate a greater percentage of their total development funding than do sponsors of highway or urban public transportation systems. However, because of disproportionately limited Federal and State aid, much high priority airport construction has been deferred.

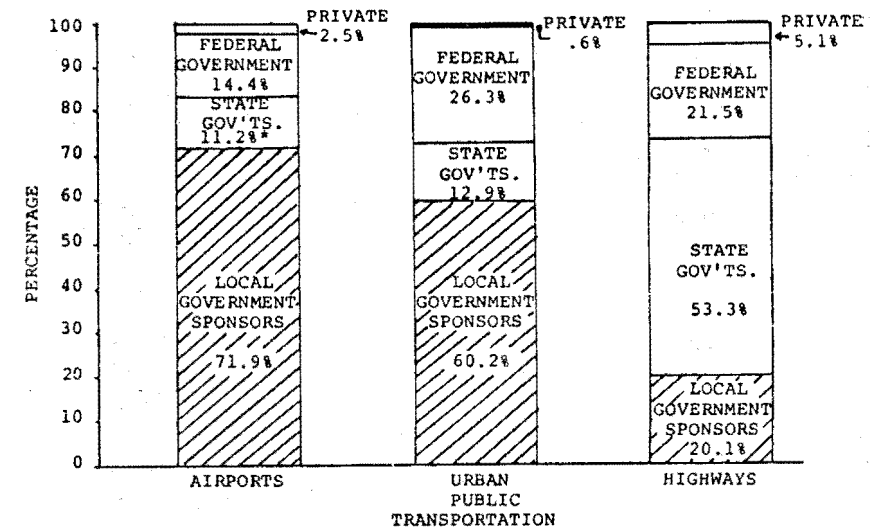
The users of airport facilities have provided a greater proportion of total airport costs (through user fees, charges and taxes) than has been paid by highway users or mass transit passengers for the facilities they have used. The table below furnished by the Airport Operators' Council International, shows that user funding historically has financed about 85 percent of all airport development and operating costs, compared with 75 percent for highways and 43 percent for public transit. Once again, the greatest burden has been placed on the municipal airport sponsor to generate user revenue because total Federal and State help (proportionately and in dollar amounts) has been less than for highways and public transit.

Historical sources of user-provided funding (Capital and Operating Costs), by Transportation mode (Percent shares)



The U.S. public airports system (some 500 air carrier airports and 3,000 general aviation airports) is much different from the other transportation modes in terms of the respective roles of Federal, State, and local governments and in available funding from these different levels of government. More than 95 percent of all U.S. public airports (air carrier and general aviation) are owned and financed by local governments with relatively little financial aid from the Federal Government and even less from State governments. The table below, furnished by the Airport Operators Council International, indicates the historical sources of total funding for airports, highways and urban public transportation. Federal and State funds account for about 75 percent of all highway costs and 39 percent of urban public transportation costs but less than 26 percent for airport development and operation. Interestingly, State governments provide a greater proportion of funds for mass transit than for airports.

Historical sources of total funding (Capital and Operating Costs), by transportation mode (Percent shares)



* 7.6% state aid to municipal airports
3.6% state revenue for State-owned airports

Looked at another way, to the extent that the airport sponsor cannot generate user revenue or obtain sporadic Federal-State aid, needed projects must be subsidized by local taxpayers or deferred. Within the national airports system, the smaller the airport the greater is the difficulty of obtaining user revenue and, thus, the increased likelihood that local property taxes will finance most critical airport modernization or safety items.

However, airport sponsors increasingly are unable to obtain general tax funds locally for needed development because other municipal functions which do not have a user charge base (social services, police and fire protection) receive highest local priority.

Attempts to increase local user revenues can only be pushed so far. An 80-cent hot dog and a 25-cent candy bar in airport terminals are less than desirable methods of financing longer runways—but they do reflect the efforts of local governments to generate moneys from airport users.

The Committee is sympathetic to the financial difficulties faced by the smaller airports. We are aware that the large hub airports, with their vast source of user revenues are, or should be, self-supporting. Indeed, many of the large hubs earn significant profits and those profits are used to finance other municipal services. However, the smaller airports, relying on a relatively small base of user funds from landing fees, rentals and others face great difficulty in financing capital improvements. Because of the significant revenue available under this program, and with the foregoing discussion in mind, the Committee has adopted a new Federal funding formula which will provide 90-percent Federal funding and 10-percent local funding on all projects, except at large hub airports which will receive 75 percent Federal participation. However, projects involving terminal area development or improvements—as contrasted with airfield development—will receive funds based on a 50-percent Federal and 50-percent local formula.

The Committee believes that this change will significantly strengthen the ADAP program and that it will make it possible for many airports to more fully participate in the program and provide much needed development.

Terminal area development

The Committee, for the past 6 years has strongly supported the concept that the public use areas of airport terminal areas be eligible for Federal grants under the ADAP program. With about 90 percent of the cost of the total program being paid for by airline passengers and shippers, we believe that these funds should be used for development which will minimize the congestion and delays which occur on the landside of the air transportation system. Indeed, today in many of our largest airports, the lack of facilities and the built-in delay is on the terminal area side of the field where a paucity of boarding and deplaning gates, adequate baggage handling systems, inadequate interior roadways and other bottlenecks contribute greatly to inefficiency, congestion and delay. Since the passenger is the major contributor to the ADAP program, we believe his user revenues should be used to develop the entire system, not just the airfield side. Air transportation, like any other mode must be viewed on a systems basis. Modern and adequate airfield facilities where aircraft take off, land, maneuver, and park are of little consequence if inadequate terminal facilities are available for the passenger.

In keeping with our past support for terminal area development in the public use areas of the terminal, this bill provides that ADAP assistance may be used in developing terminal area facilities with the caveat that, in order to qualify for such assistance, the airport sponsor must provide, in the terminal, enplaning and deplaning facilities for the use of private, general aviation aircraft.

Federal inspection agencies

This bill would require that Federal inspection agencies located on public airports—for example, the U.S. Customs Service and the U.S. Immigration and Naturalization Service—reimburse airport operators for the costs borne by the operator for providing inspection facilities. Congress has enacted legislation (Public Law 87-255) authorizing such reimbursement, but the Office of Management and Budget has, in the past, not allowed the affected agencies to request funds for this purpose in their budget submissions to Congress. We believe this to be an inequitable burden, one that is forced on local governments by the U.S. Government. The U.S. Government, like all users of airport facilities, should pay its fair share of the cost of such facilities. With this provision, it will be required to do so.

Airport system planning

Finally, section 9 provides that the Federal share of airport systems planning grant projects shall be 75 percent. System planning is done by State agencies (and in some cases, by regional agencies which cut across State lines) to establish a system of airports, both general aviation and air carrier, to serve the air transportation needs of a region.

SECTION 10—PROJECT SPONSORSHIP

In section 10, the Committee has established two new requirements having to do with the relationships between airport sponsors and the air carriers who provide service to air carrier airports. First, the sponsor is required to consult with the air carriers serving his airport prior to undertaking specific airport development projects. This is to insure that the airlines will have an opportunity to provide input prior to any final decision on airport development. Inasmuch as the airlines indirectly pay for most of the improvements which are ultimately made, it seems reasonable that they be given an opportunity to participate in the decisionmaking process. The airport operators have indicated no objections to such consultations.

Second, section 10 requires that an airport sponsor not include in his rate base for establishing fees and charges, any Federal participation with Federal funds in an airport development project. Again, this provides some assurance to air carriers that they will not be called on to finance that portion of projects which have already been financed by assistance under the ADAP program. The airport operators have testified before the Subcommittee on Aviation that they have no objection to this provision.

SECTION 11—GRANT AGREEMENTS

Section 11 of the bill is a further effort by the Committee to both streamline the grant-in-aid process and to provide additional assurances to the sponsor that Federal assistance will be forthcoming over a broader range of time. First, the bill authorizes the Secretary to obligate funds for more than 1 fiscal year if he approves a project application for a project which will not be completed within 1 year. This will be an assurance to the sponsor that he will receive grant

funds over the duration of the project, thus making it easier to finalize the advance financial planning which must be in place before the project is begun.

It will also preclude the need to submit an application for grant assistance for each succeeding year for funds the sponsor is entitled to under apportionments made pursuant to section 15 of the act. This, we believe, will reduce redtape and result in sound financial planning.

Second, in regard to projects included in an airport sponsor's capital improvement program which has been approved by the Secretary, funds apportioned to an airport pursuant to section 15 of the act will become obligations of the United States to be used to implement the capital improvement program. This provides further concrete assurance to the sponsor that a predetermined level of Federal grant assistance will be available to be used on capital improvement programs and projects upon which they are based.

SECTION 12—PROJECT COSTS

Section 12 removes a prohibition in the 1970 act against using grant funds for terminal area development. As discussed earlier, this bill provides grant assistance for those public use area terminal facilities which are needed to speed the passenger and his baggage between the aircraft and the surface transportation system interfacing with the airport.

SECTION 13—STATE DEMONSTRATION PROGRAM

Section 13 provides a limited program to demonstrate the effectiveness, or lack of it, of State aeronautical agencies administering within their respective State, the general aviation airport development program now administered by the FAA.

There is no area of airport development policy more controversial than that of what role is to be played by the States and, in turn, the State aeronautical agencies.

Civil aviation, since its inception, has been highly regulated and, at the same time, promoted by the U.S. Government. The entire aviation regulatory scheme has been vested by Congress in the FAA and the CAB. Since aviation is not inhibited by artificial State boundaries, and since the airspace is a resource of the United States, the States have not played a significant role either in regulation of aviation or in providing facilities for it. In fact, the air navigation and control system is almost entirely Federal; the predominant source of funding for airports and ground facilities has been local.

Nonetheless, primarily during the past 20 years, a number of State aeronautical agencies have been created. In many cases, after they were established or created, they began searching for a mission, having been given little specific responsibilities by the legislatures.

One of their common responsibilities over the years has been coordinating search and rescue missions seeking lost or downed aircraft. In some instances State agencies have become involved in assisting local communities plan and develop airport facilities and in some cases the agencies have spent State moneys on the development of airports. In other instances State agencies have provided duplicative programs already provided by the Federal Government such as investigating

aviation accidents and enforcing a State system of aircraft registration.

Over the years, the agencies have sought to wrest from the FAA and the Federal Government increasing responsibility for the development of aviation policy and facilities. In some States the agencies have sought to regulate the intrastate operations of air taxi or commuter operators. In others the agencies have served as channels or conduits through which, pursuant to State laws, Federal airport grants have flowed to local cities, and counties, or port districts.

In their zeal to find a broadened mission the agencies have turned to Congress seeking to gain control of at least parts of the airport development program.

At present the States are mounting a major campaign to turn over to the State aeronautical authorities the general aviation development program. In this effort they are being assisted by the administration. As a prelude to a complete takeover of the Federal role in developing a national system of general aviation airports, the States have proposed to Congress a demonstration program aimed at demonstrating the feasibility and practicality of turning this segment of air transportation development over to the States. The States argued before this Committee that several studies have been done indicating that States can develop airports cheaper and more quickly than can local governments using ADAP funds and adhering to Federal standards. We do not necessarily question that contention. However, it has yet to be proven whether the States, if Federal construction, wage, and environmental standards are followed, as they must be if the States replace the Federal effort, can manage an airport development program any more efficiently than the U.S. Government. The two areas which add extreme costs to Federal projects over non-Federal projects are compliance with the National Environmental Policy Act of 1969 (NEPA) and the payment of construction wages pursuant to the Davis-Bacon Act.

In addition to our skepticism over whether States can build and administer an airport development program more effectively than the Federal Government, is our concern about the creation of new and sprawling bureaucracies in each of the 50 States to administer an airport program. There is already a large and unwieldy FAA bureaucracy in Washington and in the regions of the United States. Both the FAA and the State agencies testified that this bureaucracy would not be reduced as a result of turning the general aviation airport development program over to the States. We ask then, what is the point in creating a system of new bureaucracies overlaid on the Federal Establishment to perform a role already being effectively performed by the FAA?

We are hard pressed to find an answer. The ideal role of a State agency would be to assist very small communities in developing general aviation airports. The agency could furnish the engineering and construction expertise which many small communities cannot afford. However, that is not to say that the State must also administer all the Federal funds which are intended for local airport development.

We have resisted past attempts by the State aeronautical agencies to try and take over various aspects of the Federal airport program

and we will continue to do so until it has been proven that there is any gain to the system or the users by making such a change. We are concerned that Federal dollars will be diluted, wasted, or otherwise abused inevitably if 50 agencies take over a national airport development system. We believe the State agencies, if they would stick to what they can do best, that is, help small communities with planning and development, would not have to come to Washington in search of another very ambitious mission.

Having listened to the argument, we believe the states should have the opportunity to prove the theory that they can provide more development for less dollars. We don't believe we have the evidence to prove the opposite. Therefore, we authorize a 2-year demonstration program in no more than three States to assess whether a State can in fact develop general aviation airports more effectively and more economically than can the Federal Government through State administration of Federal funds.

We have provided what we believe to be necessary safeguards to insure that this demonstration authority will not be abused and will be undertaken in States which in the past have used State moneys to assist the development of general aviation airports. First, we would not permit any Federal funds to be used to administer the program—if the State has an interest in being a demonstration State then it can use State funds to administer the grants. Second, we believe that before a demonstration State has been selected, it must have the advance approval of its legislature, not simply the approval of the State aeronautical director or the Governor. Demonstration programs will require additional personnel to administer what has been a Federal program and may involve a major staffing of the State agency. This increased staffing might require additional funds from the legislature, bodies which often turn to State user taxes on aviation when seeking funds for their aviation organizations.

With the foregoing limitations we support a demonstration program to test the effectiveness of a State-administered, federally funded general aviation airport development program.

SECTION 14—AIRPORT SECURITY IN ALASKA

Section 14 amends airport security procedures mandated by the Antihijacking Act of 1974, Public Law 93-366. These procedures have proven to be an excessive and unnecessary burden at more than 140 air carrier airports in Alaska which receive air service only with small aircraft. At these airports, many of which are little more than grass strips, the security procedures have been an extremely costly burden. The Committee believes that, inasmuch as a potential hijacking threat will probably not be directed toward a small aircraft, it makes little sense to impose these procedures on such airports. We feel that there will be no diminution in security and safety by allowing the FAA Administrator to exempt these Alaskan airports from the provisions of sections 315 and 316 of the Federal Aviation Act.

SECTION 15—COMPENSATION FOR REQUIRED SECURITY MEASURES IN FOREIGN AIR TRANSPORTATION

Section 15 of the bill, as reported, would authorize the Secretary to reimburse U.S. air carriers for expenses incurred in the preflight screening of international passengers as required by the Air Transportation Security Act of 1974. That act requires the airlines to undertake security procedures for protection of passengers. The cost of these procedures has been approximately \$70 million a year.

For domestic operations, the carriers have been reimbursed for security procedures by inclusion of a security charge in the fares approved by the CAB. Internationally, such charges have not been feasible. Foreign carriers have been unwilling to include security charges in the fares negotiated in the International Air Transportation Association because in many cases the foreign carrier's government has been providing security measures at no expense to the carrier. U.S. carriers would be at a considerable competitive disadvantage if they raised their international fares unilaterally to cover security costs.

The U.S. flag airlines perform an important function at gateway points by screening individuals and baggage for concealed weapons and dangerous articles. In London, for example, Pan American reports the detection of approximately 80 weapons per month. In Tokyo, for the month of August 1975, a total of 1,578 weapons were detected by all airlines serving the airport. The efforts of the airlines are essential to the U.S. Government's overall security screening process. The benefits of these procedures are not limited to the traveling public; the general population is protected by prohibiting the entry of dangerous weapons into the United States.

The bill authorizes appropriations from general revenues of \$3 million per year for fiscal years 1976, 1977, and 1978 (and \$750,000 for the transitional quarter) for reimbursement of security expenses for international passengers. This reimbursement is intended to apply only to unreimbursed security expenses. If international fares are increased specifically to cover security charges, payments under the provisions of section 15 would not be appropriate.

The amount of reimbursement to each carrier would be reduced by the amount by which domestic security charges, or that portion of the domestic fare attributable to compensation for security costs, exceeds actual expenses for such services.

SECTION 16—REDUCTION OF NONESSENTIAL FEDERAL AVIATION SYSTEM EXPENDITURES

Section 16 requires consultation between the Secretary of Transportation and the users of the air transportation system, at least annually, regarding ways to reduce nonessential Federal expenditures on aviation. There has been much criticism, particularly by general aviation groups, of wasteful spending by FAA both in the areas of airport development and in facilities and equipment and in the operations of the air traffic control system. We share the view that, in many in-

stances, FAA has been less than thrifty in many of its programs, and wish to emphasize that the users of the system often are prepared to indicate methods of saving time and money if the Agency will listen. We think annual consultation will give the users an opportunity to make an input and hope the DOT and the FAA will be responsive.

SECTION 17.—ELIMINATING THE UNIVERSAL REQUIREMENT FOR FIRE AND CRASH RESCUE EQUIPMENT UNDER THE AIRPORT CERTIFICATION PROGRAM

The Airport and Airway Act, as amended, empowers the Administrator to issue operating certificates to airports serving air carriers certificated by the CAB. The law requires the Administrator to prescribe terms, conditions, and limitations pertaining to the operation and maintenance of adequate safety equipment including firefighting and rescue equipment capable of rapid access to any portion of the airport used for landing, takeoff or surface maneuvering of aircraft.

Because of the express mention of firefighting and rescue equipment, the Administrator believes that the FAA was required to establish minimum standards for such equipment at all airports regardless of the volume of CAB certificated air carrier flights. Consequently the 500 airports regularly served by the air carriers and approximately 400 airports infrequently served by such carriers have been required to provide various levels of crash fire rescue service. To date over 440 vehicles at an approximate cost of \$25 million have been put into service. To man and operate this equipment, the airports collectively are spending approximately \$60 million annually.

Five years experience has now been gained with airport certification; sufficient to judge the benefits of such a program to the travelling public. Although it is difficult to document these benefits, the FAA, the airport and airline operators generally agree that the program has brought about an increased awareness of safety, and more positive steps taken in such areas as obstruction removal, pavement maintenance, runway inspections, and other features improving the safety posture of airports.

However there is an even stronger consensus that the benefits accruing to the travelling public from the establishment of extensive crash fire equipment at all airports are almost negligible; that any careful analysis would show an extremely poor relationship of benefits to costs.

Unfortunately the crash fire rescue requirement is based almost entirely on emotion with little consideration of the facts. The only factual material used by the FAA in setting the current requirements were recommendations made following a quick and superficial study back to 1971. This must be contrasted with studies and reports made at various times by the CAB Bureau of Aviation Safety, the National Transportation Safety Board, the FAA, and airport management. As part of the record developed in the recent hearings on airport aid renewal legislation, airport management submitted a detailed factual study dealing with the Federal crash fire/rescue equipment. The thrust of this study is: (1) the incidence of air carrier accidents with fire is extremely low—an average of sixteen per year covering all

U.S. air carrier operations worldwide; of the 16 less than an average of three were of such magnitude as to result in fatalities; (2) the effectiveness of airport based crash fire equipment in improving occupant survivability is almost negligible. If fire following accident is of such intensity as to impair or preclude occupants exiting the aircraft on their own, the fire must be extinguished or controlled within 90 seconds to permit rescue. The record conclusively shows that despite the best in men and equipment, it is physically impossible to reach an accident site in 90 seconds unless the aircraft conveniently comes to rest close to the fire station. The few accidents generally occur during the approach to landing with the aircraft coming to rest thousands of feet from the approach end of the runway.

Impassable terrain, poor weather conditions, late notification, and distance to be travelled have resulted in an almost zero record of occupant rescue by airport based equipment; (3) The financial impact on airports, particularly the lower activity airports, has been staggering and continues to worsen. The record developed at the hearings indicates that operating costs have increased as much as 40 percent as a direct consequence of the requirement to establish and operate extensive crash fire services. In an attempt to cover these costs the airports have either had to reduce other operation or maintenance costs, and proposed capital improvements which in the long-run will adversely affect airport safety; or attempt to pass these costs onto the airlines which in turn increases airline operating costs to the point where service to many of the lower activity airports may be curtailed or suspended.

Consequently, the language in this section will make it clear that the Administrator may exempt certain smaller airports from regulations requiring fire and crash rescue capability. This was the intent of this Committee in the first place and we believe now more than in 1970 that there must be reasonable flexibility in this requirement. We urge the Administrator, quickly after enactment of this bill, to focus priority attention on this problem so as to alleviate a crushing financial burden on the smallest air carrier airports.

SECTION 18—SPECIAL STUDIES

This section is intended to provide further information to the Congress and others on the issue of landbanking for future airport development which will be necessary in the period beyond 1980.

The Committee has given careful consideration to the question of how a landbanking program might be established to enable local governments to acquire, years in advance, land that will be needed for future aviation expansion. While most agree that landbanking would be a most beneficial method of assuring that future airport development areas will be less encumbered with environmental problems, neither the administration nor the users have any concrete recommendations on how such a program should be structured or funded.

We expect the Secretary to report to this Committee within a year his recommendation on how a landbanking program should operate and to what extent the Federal Government or the ADAP program should assist with it.

SECTION 19—LIMITING CHARGES FOR GOVERNMENT INSPECTION OF PERSONS AND PROPERTY

Section 19 amends section 53 of the Airport and Airway Development Act by limiting the overtime fee collection period pertaining to the inspection of aircraft entering the United States from foreign countries.

Under present law and regulation aircraft operated by either airlines or by private citizens are assessed a charge for inspections services when the aircraft enters the United States on evenings or weekends. This is an archaic and unfair practice and is discriminatory in that passengers arriving into the United States by surface transportation are not assessed any charges regardless of the time of day that they enter. Last year, the U.S. air carriers alone paid more than \$15 million in overtime charges.

Section 19 will not eliminate entirely the overtime charges for inspection of aircraft and passengers but will limit the charges to aircraft entering in the evening and early morning hours. Aircraft entering the United States on Sundays and holidays will be treated the same as aircraft entering on a weekday and will not be charged overtime fees for inspection services.

SECTION 20—PROHIBITING DISCRIMINATION AMONG USERS OF AIRPORTS

Section 20 requires that airport operators provide equal services for equal rates and fees among users of and tenants of airports seeking Federal grants under the ADAP program. The Committee is aware that in certain instances, discriminatory charges, rules, etc., are applied to tenants and users.

For example, at some airports supplemental air carriers are charged more than scheduled air carriers for identical services. In other instances some fixed base operators must pay higher fees and rates charged other fixed base operators on the airport.

The Committee believes that all airports which are developed with Federal grant assistance should be available to all users and tenants without unjust discrimination in terms of charges or services provided.

ENVIRONMENTAL ASSESSMENTS

While this bill contains no statutory changes in environmental assessments or review for airport development, the Committee is nonetheless concerned with application of the National Environmental Policy Act of 1969 to airport development.

The Subcommittee on Aviation considered and adopted changes to NEPA which would have limited environmental assessments on airport development projects to only those types of projects which impose a significant environmental threat. The subcommittee believed that current environmental procedures imposed by FAA/DOT as a result of NEPA are in many instances uncalled for and impose tremendous cost and time burdens on airport operators as well as the United States.

Testimony before the subcommittee indicated that in one instance, an airport authority sought funds to build a new fire station on the

airport property. The sponsor, we are told, had to first go through the laborious and expensive process of preparing an environmental impact statement, even though it is obvious that a fire station, located on the airport property, is not an environmental threat.

We are told there are many other cases of minor projects involving new airport lighting, runway or taxiway resurfacing, taxiway extensions within the airport boundaries, additional gates being added to the terminal, which have been delayed for months or years for environmental assessments. Most airport development projects are not environmentally significant. In fact, only a relatively few types of projects pose an environmental burden and should be the object of environmental assessments.

Projects which involve changes in the airport boundaries, new runways or runway extensions beyond present airport boundaries are obviously significant. Such projects change noise patterns around airports and might allow for different and noisier types of aircraft to utilize the airport. Such projects should be and are the subject of environmental assessments and impact statements. If the review was limited to these types of projects there would be no reason for concern.

But insignificant projects as well as environmentally important ones are too often treated the same in terms of environmental assessments. When such assessments are required, the airport sponsor must usually hire expensive consultants to prepare exhaustive reports even when all involved know that there is no significant environmental problem. After months of preparation these assessments then must slowly wind their way through the extensive FAA bureaucracy. Even then, the process isn't over. DOT then enters where FAA left off and the result is months and sometimes years of delay before the project finally receives approval from Washington. This is nonsense.

The bill approved by the Aviation Subcommittee would have limited environmental assessments and impact statements to major projects. That language was deleted by the full Committee, not because it was not desirable but because such change would have necessarily come under the jurisdiction of the Senate Interior Committee which has general jurisdiction over the National Environmental Policy Act. Because we did not want to see this bill further delayed by rereferral to another committee, the new environmental procedures were dropped.

Nonetheless, the Committee expects a more responsible performance from the FAA/DOT and the Council on Environmental Quality in the future. Those three agencies have it within their authority to issue revised regulations exempting routine type airport development projects from needless and costly environmental review. This we expect them to do. Representatives of the three agencies, meeting with Committee staff, have offered to work together with the airport operators in fashioning less burdensome regulations. We believe those regulations should generally limit environmental review to the types of projects discussed above.

While we will not press ahead with amendments to law in this bill, we will hold the agencies to their commitment to amend the regulations to make them more reasonable and less costly. Accordingly, we expect the Secretary of Transportation and the Chairman of the Council on Environmental Quality to report to this Committee no later than

August 1, 1976 on steps that have been taken, or are being taken, to simplify and make more reasonable the environmental review process under the ADAP program.

COMMITTEE RECOMMENDATION REGARDING REDUCTIONS IN AVIATION USER CHARGES

In 1970, when the airport and airway development program was created, Congress levied a series of taxes on users of the aviation system designed to assure an adequate source of revenues to provide the development specified in the program. The users were assured that the taxes they were required to pay would result in significant development in the system and thereby reduce congestion and delay while adding to the margin of operational safety.

The most important taxes were an 8 percent tax on all domestic airline tickets, an international departure tax of \$3 per passenger for overseas and foreign journeys, a 5 percent tax on domestic air freight shipments, a 7 cents per gallon tax on fuel used in general aviation aircraft and a registration tax on all aircraft at a rate which increases with the size of the aircraft.

Five years experience with the program and the taxes indicates that tax revenues are generated in excess of the program needs established by the 1970 act and created by this bill.

As the table below indicates, there is presently over a billion dollar surplus in the airport and airway trust fund which is projected to grow to more than \$3 billion by 1980 unless the tax levels are changed.

TRUST FUND PROJECTIONS

8 PERCENT TICKET TAX, 5 PERCENT WAYBILL TAX, \$3 INTERNATIONAL TAX,
7 CENTS FUEL TAX (CURRENT STRUCTURE)

(In millions of dollars)

	Fiscal year—		Interim period	Fiscal year—			
	1975	1976		1977	1978	1979	1980
Trust fund income.....	939.7	969.3	242.3	1,046.3	1,127.6	1,207.3	1,270.9
Prior year surplus.....	283.6	889.0	1,149.3	1,179.6	1,534.9	1,979.5	2,494.8
Total.....	1,223.3	1,858.3	1,391.6	2,225.9	2,662.5	3,186.8	3,765.7
Less annual appropriation.....	(624.7)	(850.0)	(250.0)	(890.0)	(930.0)	(970.0)	(1,010.0)
Balance.....	598.6	1,008.3	1,141.6	1,335.9	1,732.5	2,216.8	2,755.7
Plus earned interest.....	97.0	141.0	38.0	199.0	247.0	278.0	300.0
Plus released reserves.....	193.4						
Surplus.....	889.0	1,149.3	1,179.6	1,534.9	1,979.5	2,494.8	3,055.7

NOTES

- (1) Income data is based on FAA projections of December 1975.
- (2) Fiscal year 1975 interest is based on Treasury data. Fiscal years 1976-80 interest was extrapolated from FAA projections based on administration's proposal.
- (3) Interim period is computed simply as 25 percent of fiscal year 1976 activity.
- (4) Appropriations are based on \$250,000,000 for F. & E., \$60,000,000 for R. & D., and \$540,000,000 plus \$40,000,000 each succeeding fiscal year for airport development funds after fiscal year 1976.

In reviewing the program needs for the last 5 years of the decade and the user tax revenues which may be expected, the Committee was concerned over the increasing surplus which is developing.

We have come to the conclusion, given present development needs, in light of income projections, that Congress should reduce the present user tax system to bring income more into line with capital investment spending projections.

Accordingly, we strongly recommend to the taxing committees of the Congress that the present airline ticket tax be reduced from 8 percent to 5 percent, the 5 percent air cargo waybill tax be reduced from 5 percent to 3 percent, the international departure tax be reduced from \$3 per passenger to \$2 per passenger and the tax on general aviation fuel be reduced from 7 cents per gallon to 6 cents. The table below indicates how such reductions would impact on revenues, the current trust fund surplus and the development programs authorized by this bill.

TRUST FUND PROJECTIONS

5 PERCENT TICKET TAX, 3 PERCENT WAYBILL TAX, \$2 INTERNATIONAL TAX, 6 CENTS FUEL TAX

(In millions of dollars)

	Fiscal year—		Interim period	Fiscal year—			
	1975	1976		1977	1978	1979	1980
Trust fund income.....	939.7	629.8	157.4	678.4	730.6	782.1	823.8
Prior year surplus.....	283.6	889.0	809.8	755.2	700.6	635.2	567.3
Total.....	1,223.3	1,518.8	967.2	1,433.6	1,431.2	1,417.3	1,391.1
Less annual appropriation.....	(624.7)	(850.0)	(250.0)	(890.0)	(930.0)	(970.0)	(1,010.0)
Balance.....	598.6	668.8	717.2	543.6	501.2	447.3	381.1
Plus earned interest.....	97.0	141.0	38.0	157.0	134.0	120.0	100.0
Plus released reserves.....	193.4						
Surplus.....	889.0	809.8	755.2	700.6	635.2	567.3	481.1

NOTES

- (1) Income data is based on FAA projections of December 1975.
- (2) Fiscal year 1975 interest is based on Treasury data. Fiscal year 1976-80 interest was extrapolated from FAA projections based on Administration's proposal.
- (3) Interim period is computed simply as 25 percent of fiscal year 1976 activity.
- (4) Appropriations are based on \$250,000,000 for F. & E., \$60,000,000 for R. & D., and \$540,000,000 plus \$40,000,000 each succeeding fiscal year for airport development funds after fiscal year 1976.

The cost of air travel has gone up dramatically in the past several years, largely as a result of soaring fuel prices. We are of the view that a reduction in user taxes at this time would very much benefit the consumer of air transportation, would tend to hold price increases down and most important, indicate good faith on the part of Congress in balancing development needs with revenues so as to assure the users are being taxed only to the extent of providing adequate capital investment in the airport and airway system.

We strongly urge the Senate Finance Committee to give these recommendations early and favorable consideration.

LEGISLATIVE BACKGROUND

The Subcommittee on Aviation held hearings on airport and airway development and on the administration's proposal, S. 1455 on September 4, 5, 8, and 9, 1975.

Following those hearings, the subcommittee met to consider legislative proposals on November 19, 1975. On December 3, 1975, the sub-

committee met and ordered favorably reported to the full Committee an original bill entitled "Aviation Subcommittee Print."

On December 10, 1975, the Committee on Commerce met and considered the print, without taking final action. On February 5, 1976, the full Committee met again and ordered the bill reported favorably by voice vote.

ROLLCALL VOTES OF THE COMMITTEE

The following amendments were the subject to rollcall votes in the Committee:

An amendment offered by Senator Hartke which would have brought certain procedures of the FAA and the CAB under the provisions of the Freedom of Information Act was defeated.

Yeas	Nays
Mr. Hartke	Mr. Cannon
Mr. Moss	Mr. Inouye
Mr. Ford	Mr. Pearson
Mr. Weicker	Mr. Baker
	Mr. Stevens
	Mr. Beall
	Mr. Buckley

Abstain
Mr. Long

A motion by Mr. Cannon to lay on the table the amendment of Mr. Moss relating to the establishment of an 11 State demonstration program to demonstrate the feasibility of turning over to the States, the general aviation airport development program was defeated.

Yeas	Nays
Mr. Cannon	Mr. Hartke
Mr. Stevenson	Mr. Hart
Mr. Pearson	Mr. Long
Mr. Magnuson	Mr. Moss
	Mr. Inouye
	Mr. Tunney
	Mr. Ford
	Mr. Durkin
	Mr. Griffin
	Mr. Baker
	Mr. Stevens
	Mr. Beall
	Mr. Weicker
	Mr. Buckley

An amendment by Mr. Beall which would have prohibited the operation of the Concorde supersonic transport to the United States in certain instances was defeated.

Yeas	Nays
Mr. Hartke	Mr. Cannon
Mr. Ford	Mr. Long
Mr. Durkin	Mr. Moss
Mr. Beall	Mr. Hollings
	Mr. Inouye
	Mr. Tunney
	Mr. Stevenson
	Mr. Pearson
	Mr. Griffin
	Mr. Baker
	Mr. Stevens
	Mr. Weicker
	Mr. Buckley
	Mr. Magnuson

An amendment by Mr. Weicker prohibiting Concorde supersonic transport operations to the United States was defeated.

Yeas	Nays
Mr. Weicker	Mr. Cannon
Mr. Hartke	Mr. Long
Mr. Tunney	Mr. Moss
Mr. Ford	Mr. Hollings
Mr. Durkin	Mr. Inouye
Mr. Pearson	Mr. Stevenson
Mr. Beall	Mr. Griffin
Mr. Buckley	Mr. Baker
Mr. Pastore	Mr. Stevens
	Mr. Magnuson

An amendment offered by Mr. Cannon in the nature of a substitute to the amendment of Mr. Moss relating to a demonstration program for State agencies was agreed to.

Yeas	Nays
Mr. Hartke	Mr. Moss
Mr. Cannon	Mr. Griffin
Mr. Long	
Mr. Hollings	
Mr. Inouye	
Mr. Tunney	
Mr. Stevenson	
Mr. Ford	
Mr. Durkin	
Mr. Pearson	
Mr. Baker	
Mr. Stevens	
Mr. Beall	
Mr. Burkley	
Mr. Magnuson	

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, existing law in which no change is proposed is shown in roman):

AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

PART I—SHORT TITLE, ETC.

* * * * *

SEC. 2. DECLARATION OF POLICY.

The Congress hereby finds and declares—

That the Nation's airport and airway system is inadequate to meet the current and projected growth in aviation.

That substantial expansion and improvement of the airport and airway system is required to meet the demands of interstate commerce, the postal service, and the national defense.

That the annual obligational authority during the period July 1, 1970, through [June 30, 1980], *September 30, 1980* for the acquisition, establishment, and improvement of air navigational facilities under the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.) should be no less than \$250,000,000.

That the obligational authority during the period July 1, 1970, through [June 30, 1980], *September 30, 1980* for airport assistance under this title should be [\$2,500,000,000]. *\$4,695,000,000*

* * * * *

PART II—AIRPORT AND AIRWAY DEVELOPMENT

SEC. 11. DEFINITIONS.

As used in this part—

(1) "Air carrier airport" means—

(A) an existing public airport which is regularly served, or a new public airport which the Secretary determines will be regularly served, by an air carrier (i) which is certificated by the Civil Aeronautics Board, under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371), and which operates at such airport aircraft in excess of 12,500 pounds maximum certificated gross takeoff weight, or (ii) which is operating under an exemption granted by such Board from such section 401 and which provides service, pursuant to an order of such Board, in lieu of or in substitution for service by a certificated air carrier; or

(B) an airport in the State of Alaska which is regularly served by an air carrier which is certificated by the Civil Aeronautics Board under such section 401.

[(1)] (2) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

[(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and including safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.]

(3) "Airport development" means any—

(A) work involved in construction, improvement, or repair of a public airport or any portion thereof, including (i) the construction, alteration, repair, or acquisition of airport passenger terminal buildings or of facilities (including passenger transfer vehicles) which are directly related to the movement of passengers and baggage within the airport boundaries, (ii) the removal, lowering, relocation, marking, and lighting of airport hazards, (iii) navigation aids used by aircraft landing at or taking off from a public airport, (iv) safety equipment required by rule or regulation for the certification (under section 612 of the Federal Aviation Act of 1958) of a public airport, (v) security equipment required by rule or regulation of the Secretary to be maintained by an airport sponsor for the safety and security of persons and property on a public airport, (vi) snow removal equipment, and (vii) noise suppression hardware, physical barriers, landscaping, and other appurtenances which are related to diminishing the effect of aircraft noise on any area adjacent to a public airport;

(B) acquisition of land, any interest in land, any easement through airspace, or any other interest in airspace (including land for future airport development) which is necessary (i) to conduct any work described in this paragraph, (ii) to remove, mitigate, prevent, or limit the establishment of airport hazards, or (iii) to assure that the land acquired is used only for purposes which are compatible with the operation of a public airport and the noise levels emanating therefrom;

(C) work involved in preparing and establishing an airport master plan or a capital improvement program;

(D) work involved in planning for adequate ground transportation to and from a public airport; and

(E) the acquisition of land for, and the construction of, multi-modal (including airport) terminal buildings or facilities, for the intermodal transfer of passengers and baggage between and among interconnecting air, rail, and highway transportation routes and facilities.

[(3)] (4) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

[(4)] (5) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

[(5)] (6) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of system-wide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(7) "Capital improvement program" means a document which identifies and describes all of the airport development projects which are planned for a specific airport during a period of not less than 3 successive fiscal years and which specifies yearly priorities and annual cost estimates. The term includes an airport layout plan showing the airport boundaries and the location of all existing and planned facilities.

(8) "General aviation airport" means a public airport which is not an air carrier airport.

[(6)] (9) "Landing area" means that area used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft.

[(7)] (10) "Government aircraft" means aircraft owned and operated by the United States.

[(8)] (11) "Planning agency" means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam) or political subdivisions concerned to engage in area-wide planning for the areas in which assistance under this part is to be used.

[(9)] (12) "Project" (or separate projects submitted together) means a project for the accomplishment of airport development, including the combined submission of all projects for an air carrier

airport which are included within a capital improvement program, airport master planning, or airport system planning.

[(10)] (13) "Project costs" means any costs involved in accomplishing a project.

[(11)] (14) "Public agency" means a State, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or Guam or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

[(12)] (15) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(16) "Reliever airport" means a general aviation airport which is designated as such by the Secretary because (A) it is capable of receiving general aviation traffic directed from an air carrier airport, and (B) its primary function is to utilize such capability to relieve congestion at such air carrier airport.

[(13)] (17) "Secretary," means the Secretary of Transportation.

[(14)] (18) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this part, an application for financial assistance.

[(15)] (19) "State" means a State of the United States or the District of Columbia.

[(16)] (20) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public [within the boundaries of the airport], including vehicles and support facilities which are directly related to the movement of passengers and baggage within the airport boundaries.

[(17)] (21) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 16 of this part which is to be paid from funds made available for the purposes of this part.

SEC. 12. NATIONAL AIRPORT SYSTEM PLAN.

* * * * *

(i) REVISED SYSTEM PLAN.—The Secretary shall, after further consultation with the Civil Aeronautics Board and with the governmental agencies and other interests identified in subsections (c) through (g) of this section, prepare and publish, in accordance with the subsection, a revised national airport system plan. The revised national airport system plan (1) shall be published not later than January 1, 1978; (2) shall be designed to improve, and to provide a better guide for planning for, the orderly development of a system of public airports in the United States; (3) shall not consist of a detailed project-by-project listing for each airport; (4) shall classify each airport, which the Secretary retains in or adds to such plan, in terms of its present functional role in the national airport system and in terms of the functional role

anticipated for it during the 10-year period following the date of publication thereof; (5) shall identify, by type or category, the airport development projects which are appropriate for an airport of each such classification during such 10-year period; and (6) may be revised and amended by the Secretary on the basis of new information. The Secretary shall publish, not later than January 1, 1978, and annually thereafter, his estimates as to the cost of achieving the airport development envisioned in this revised national airport system plan, including estimates for the development which he considers to be of the highest priority to a national system of public airports.

SEC. 13. PLANNING GRANTS.

(a) **AUTHORIZATION TO MAKE GRANTS.**—In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary, for fiscal years 1971 through 1975, may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning under this section.

SEC. 14. AIRPORT AND AIRWAY DEVELOPMENT PROGRAM.

(a) **GENERAL AUTHORITY.**—

(3) For the purpose of developing air carrier and reliever airports in the several States, in the Commonwealth of Puerto Rico, in Guam, in American Samoa, in the Trust Territory of the Pacific Islands, and in the Virgin Islands, and for the conduct of airport system planning to serve all classes of civil aviation, \$635,000,000 for the fiscal year and the transitional fiscal quarter ending in 1976, \$535,000,000 for the fiscal year ending in 1977, \$570,000,000 for the fiscal year ending in 1978, \$605,000,000 for the fiscal year ending in 1979, and \$640,000,000 for the fiscal year ending in 1980.

(4) For the purpose of developing general aviation airports in the several States, in the Commonwealth of Puerto Rico, in Guam, in American Samoa, in the Trust Territory of the Pacific Islands, and in the Virgin Islands, \$50,000,000 for the fiscal year and the transitional fiscal quarter ending in 1976, \$45,000,000 for the fiscal year ending in 1977, \$50,000,000 for the fiscal year ending in 1978, \$55,000,000 for the fiscal year ending in 1979, and \$60,000,000 for the fiscal year ending in 1980.

(b) **OBLIGATIONAL AUTHORITY.**—(1) To facilitate orderly long-term planning by sponsors, the Secretary is authorized, effective on the date of enactment of this title, to incur obligations to make grants for airport development from funds made available under this part for the fiscal year ending June 30, 1971, and the succeeding four fiscal years in a total amount not to exceed [\$840,000,000] \$1,460,000,000. No obligation shall be incurred under this [subsection] paragraph for a period of more than three fiscal years and no such obligation shall [extend beyond] be incurred after June 30, 1975. The Secretary shall not incur more than one obligation under this [subsection] paragraph with respect to any single project for airport development. Obligations incurred under this [subsection] paragraph shall not be liquidated in an aggregate amount exceeding \$280,000,000 prior to June 30, 1971, an aggregate amount exceeding \$560,000,000 prior to June 30, 1972, an

aggregate amount exceeding \$840,000,000 prior to June 30, 1973, an aggregate amount exceeding \$1,150,000,000 prior to June 30, 1974, and an aggregate amount exceeding \$1,460,000,000 prior to June 30, 1975.

(2) Except as otherwise provided in this paragraph, the Secretary may incur obligations to make grants for airport development from any funds made available under subsections (a) (3) and (4) of this section. This authority shall exist with respect to any funds which are made available, pursuant to subsection (a) of this section, for such purpose in any fiscal period, immediately after such funds are apportioned, pursuant to section 15 (a) of this Act. No such obligation may be incurred after September 30, 1980, and the Secretary may not incur more than one such obligation with respect to any single airport development project.

(c) **AIRWAY FACILITIES.**—For the purpose of acquiring, establishing, and improving air navigation facilities under section 307 (b) of the Federal Aviation Act of 1958, the Secretary is authorized, within the limits established in appropriations Acts, to obligate for expenditure not less than \$250,000,000 for each of the fiscal years 1971 through [1975.] 1980, and not less than \$62,500,000 for the period from July 1, 1976, through September 30, 1976.

(d) **OTHER EXPENSES.**—The balance of the moneys available in the trust fund may be allocated for the necessary administrative expenses incident to the administration of programs for which funds are to be allocated as set forth in subsections (a), (b), and (c) of this section, and for research and development activities under section 312 (c) (as it relates to safety in air navigation) of the Federal Aviation Act of 1958. The initial \$50,000,000 of any sums appropriated to the trust fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research and development activities.]

(d) **RESEARCH, DEVELOPMENT, AND DEMONSTRATION.**—The Secretary may carry out, under section 312 (c) of the Federal Aviation Act of 1958 (49 U.S.C. 1353 (c)), such demonstration projects as he determines to be necessary in connection with research and development activities under section 312 (c). For research, development, and demonstration projects and activities under such section 312 (c), the Secretary may, within the limits established in appropriation Acts, obligate for expenditure not less than \$50,000,000 for each of the fiscal years ending in 1971 through 1980, and not less than \$12,500,000 for the period from July 1, 1976 through September 30, 1976.

(e) **TRUST FUND BALANCES.**—The balance of the moneys available in the Airport and Airway Trust Fund may be appropriated only for the programs and activities authorized by this Act.

(e) (f) **PRESERVATION OF FUNDS AND PRIORITY FOR AIRPORT AND AIRWAY PROGRAMS.**—

(3) No amounts transferred to the trust fund by subsection (b) of section 208 of the Airport and Airway Revenue Act of 1970 (relating to aviation user taxes) may be appropriated for any fiscal year to carry out administrative expenses of the Department of Transportation or of any unit thereof [except to the extent authorized by subsection (d)].

SEC. 15. DISTRIBUTION OF FUNDS; STATE APPORTIONMENT.

(a) APPORTIONMENT OF FUNDS.—

* * * * *

(3) As soon as possible after the date of enactment of this paragraph, and on or before July 1, 1976 (for the interim fiscal period), and on or before the 1st day of each fiscal year which begins on or after October 1, 1976 (for any fiscal year in which an amount may be obligated for the purposes of section 14(a) (3) of this Act), the amount made available for such period or fiscal year shall be apportioned by the Secretary as follows:

(A) There shall be apportioned, to the sponsor of each air carrier airport, with respect to such airport—

- (i) six dollars for each of the first 50,000 passengers who enplaned at such airport,
- (ii) four dollars for each of the next 50,000 passengers who enplaned at such airport,
- (iii) two dollars for each of the next 400,000 passengers who enplaned at such airport, and
- (iv) fifty cents for each passenger in excess of 500,000 who enplaned at such airport.

No air carrier airport shall receive under this subparagraph less than \$150,000 or more than \$10,000,000 for any fiscal year (or less than \$37,500 or more than \$2,500,000 for the period from July 1, 1976, through September 30, 1976); except that each air carrier airport in the State of Alaska which receives air carrier service with aircraft having a maximum certificated gross takeoff weight of less than 12,500 pounds shall receive not less than \$50,000 for any fiscal year (or not less than \$12,500 for the period from July 1, 1976 through September 30, 1976). In no event shall the total amount of all apportionments under this subparagraph (for any fiscal year or period) exceed two-thirds of the amount authorized to be obligated for the purpose of section 14(a) (3) of this Act for such fiscal year or period. In any case in which application of the preceding sentence requires a reduction in apportionment, the Secretary shall, for each such fiscal year or period, reduce each such sponsor's apportionment proportionately until such two-thirds amount is achieved.

(B) Any amount not apportioned under subparagraph (A) of this paragraph shall be distributed at the discretion of the Secretary.

(C) The Secretary may, at the request of the chief executive officer of the State of Alaska, reapportion funds annually apportioned to air carrier airports in Alaska which are served by air carriers which are certificated by the Civil Aeronautics Board, under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371), and which operate at such airport aircraft of less than 12,500 pounds maximum certificated gross takeoff weight. Such funds may be reapportioned to such individual airports in such State as the Secretary deems appropriate to meet the special and unique needs of air commerce in Alaska.

(4) As soon as possible after the date of enactment of this subparagraph and on or before July 1, 1976 (for the interim fiscal period),

and on or before the first day of each fiscal year which begins on or after October 1, 1976 (for any fiscal year in which an amount may be obligated for the purposes of section 14(a) (4) of this Act), the amount made available for such period or fiscal year shall be apportioned by the Secretary as follows:

(A) seventy-five percent for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all of the States;

(B) one percent for the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, to be distributed at the discretion of the Secretary; and

(C) twenty-four percent, to be distributed at the discretion of the Secretary, for general aviation airports.

[(3)] (5) Each amount apportioned to a State under paragraph (1)(A)(i) or (2)(A) or (4)(A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the fiscal year immediately following, be available only for approved airport development projects located in that State, or sponsored by that State or some public agency thereof but located in an adjoining State. Each amount apportioned to a sponsor of an airport under paragraph (1)(B) or (3)(A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport development projects located at airports sponsored by it. Any amount apportioned as described in this paragraph which has not been obligated by grant agreement at the expiration of the period of time for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

[(4)] (6) For the purposes of this section, the term "passengers enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be determined by the Secretary pursuant to such regulations as he shall prescribe.

(b) DISCRETIONARY FUND.—(1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam as the Secretary considers most appropriate for carrying out the national airport system plan regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam, and the need for or lack of development of airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) of this section.

including amounts added to the discretionary fund pursuant to paragraph [(3)] (5) of such subsection (a), may be used only in accordance with the purposes for which originally appropriated.

(3) *Not to exceed \$10,000,000 for each fiscal year (and \$2,500,000 for the interim fiscal period), pursuant to subsection (a) (3) (B) of this section, shall be made available for grants to planning agencies for airport system planning.*

(c) NOTICE OF APPORTIONMENT; DEFINITION OF TERMS.—[Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency which has requested such information, as to the amounts apportioned to each State.] *The Secretary shall inform each air carrier airport sponsor and the Governor of each State, or the chief executive officer of the equivalent jurisdiction, as the case may be, on or before April 1 of each year of the estimated amount of the apportionment to be made on or before October 1 of that year. As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.*

SEC. 16. SUBMISSION AND APPROVAL OF PROJECTS FOR AIRPORT DEVELOPMENT.

(a) SUBMISSION.—Subject to the provisions of subsection (b) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. [No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this part, and all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.] *A project application may describe one or more proposed airport development projects and, in the case of an air carrier airport for which funds are apportioned under section 15(a) (3) (A) of this Act, may describe a capital improvement program. Until July 1, 1975, no project application shall propose any airport development which is not included in the then current revision of the national airport system plan formulated by the Secretary. After January 1, 1978, no project application shall propose any airport development which is inconsistent with the revised national airport system plan, prepared under section 12(i) of this Act. All proposed airport development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.*

[(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 17 of this part and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.]

[(3)] (2) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located.

[(4) It is declared to be national policy that airport development projects authorized pursuant to this part shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy, the Secretary shall consult with the Secretaries of the Interior and Health, Education, and Welfare with regard to the effect that any project involving airport location, a major runway extension, or runway location may have on natural resources including, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment, and shall authorize no such project found to have adverse effect unless the Secretary shall render a finding, in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.]

(3) *In the case of an air carrier airport for which funds are apportioned under section 15(a) (3) (A) of this Act, the Secretary's approval of a capital improvement program shall be considered approval of each project identified and described in that plan, including, subject to such regulations as the Secretary may prescribe, projects to be funded or partially funded under section 15(a) (3) (B) of this Act. A capital improvement program may not be approved by the Secretary unless it includes, in addition to other information reasonably requested by the Secretary—*

(A) *a schedule of all airport development projects, listed in order of priority, which the sponsor would accomplish, with the aid of funds apportioned to it under section 15(a) (3) (A) of this Act, for each of the fiscal years (not less than 3) involved in its capital improvement program; and*

(B) *a schedule of all airport development projects, listed in order of priority, which the sponsor proposes for funding by the Secretary from the discretionary funds authorized by section 15(a) (3) (B) of this Act, for each of the fiscal years (not less than 3) involved in its capital improvement program.*

(4) *No airport development project for terminal area development may be approved by the Secretary, unless the sponsor of the air carrier airport involved certifies in the applicable project application that all of the safety and certification equipment which is required for certification of such airport, under section 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1432), has been installed.*

* * * * *

(g) *In determining compliance with the requirements of this section and Act, the Secretary may, to the greatest extent practicable consistent with the objectives of this Act, accept conclusionary certifications from sponsors who aver that they have complied or will comply with all of the statutory, regulatory, and procedural requirements which are imposed in connection with airport development projects under this Act.*

SEC. 17. UNITED STATES SHARE OF PROJECT COSTS.

(a) **GENERAL PROVISION.**—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part [may not exceed—

[(1) 50 per centum for sponsors whose airports enplane not less than 1 per centum of the total annual passengers enplaned by air carriers certified by the Civil Aeronautics Board; and

[(2) 75 per centum for sponsors whose airports enplane less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board and for sponsors of general aviation or reliever airports.] shall be—

(1) *ninety percent with respect to airports enplaning less than one-quarter of 1 percent of the total number of passengers enplaned each year, as determined under section 15(a)(4) of this Act, and for reliever and other general aviation airports; and*

(2) *seventy-five percent with respect to other airports.*

(b) **PROJECTS IN PUBLIC LAND STATES.**—In the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area. *In no event shall such United States share, as increased by this subsection, exceed the greater of (1) the percentage share determined under subsection (a) of this section; or (2) the percentage share applying on June 30, 1975, as determined under this subsection.*

[(c) **PROJECTS IN THE VIRGIN ISLANDS.**—The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this part.

[(d) **LANDING AIDS.**—To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 82 per centum of the allowable costs thereof.

[(e) **SAFETY CERTIFICATION AND SECURITY EQUIPMENT.**—

[(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

[(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United

States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.]

(c) **PUBLIC USE TERMINAL AREA FACILITIES.**—*The United States share of the project cost of an approved project for airport development shall be 50 percent of the allowable cost of construction, alteration, repair, or acquisition of public use airport passenger terminal buildings or facilities (including passenger transfer vehicles) directly related to the movement of passengers and baggage within the boundaries of an air carrier airport. The United States share of the project cost of an approved project for airport development shall be 75 percent of the allowable cost of construction, alteration, repair, or acquisition of multimodal (including airport) passenger terminal buildings or facilities (including passenger transfer vehicles) within the boundaries of an air carrier airport. In no event shall the United States share exceed the sums apportioned under section 15(a)(3)(A) of this Act. No air carrier airport may receive grants under this subsection unless it establishes or has established a terminal enplaning and deplaning facility for the use of passengers on general aviation aircraft; except that Federal inspection agencies shall (as authorized by Public Law 87-255 (49 U.S.C. 1509)) reimburse airport sponsors for the proportionate use by such agencies of facilities provided at such airport for the inspection of passengers in foreign air transportation and of the baggage of such passengers, to the extent that the construction costs for such facilities are not provided pursuant to this Act.*

“(d) **AIRPORT SYSTEM PLANNING.**—*The United States share of the project cost of an approved project for the conduct of airport system planning, as authorized by section 14(a)(3) of this Act, shall be 75 percent.*”

SEC. 18. PROJECT SPONSORSHIP.

As a condition precedent to his approval of an airport development project under this part, the Secretary shall receive assurances in writing, satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination [;] and that each civil aeronautics enterprise using such airport shall be subject to the same rates, fees, rentals, and other charges, and to the same rules, regulations, and conditions, as are uniformly applicable to all other civil aeronautics enterprises which make the same or similar uses of such airport and which utilize the same or similar facilities. For purposes of this paragraph, all air carriers certificated by the Civil Aeronautics Board, under section 401 of the Federal Aviation Act of 1958, shall be considered a single civil aeronautics enterprise;

* * * * *

(11) *In deciding whether to undertake specific airport development projects under this section, the sponsor shall consult with the air carriers who use the airport with respect to which such projects are proposed.*

(12) *An airport sponsor shall not include in the rate base, in establishing fees, rates, and charges for users of an airport, any*

part of the Federal share of an airport development grant made with respect to such airport, under this title or under the Federal Airport Act (49 U.S.C. 1101 et seq.).

* * * * *

SEC. 19. GRANT AGREEMENTS.

【Upon】 (a) *SPECIFIC PROJECTS.*—*Except as provided in subsection (b), upon approving a project application for airport development, the Secretary, on behalf of the United States, shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this part and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this part, and shall stipulate the obligations to be assumed by the sponsor or sponsors. Whenever the Secretary approves an application for a project which will not be completed in one fiscal year, the offer shall, at the request of the sponsor, provide for the obligation of funds which are or will be apportioned to such sponsor, pursuant to section 15(a)(3)(A) of this Act, for such fiscal years (including future fiscal years) as may be necessary to pay the United States share of the cost of such project. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. [Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum.] Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.*

(b) *PROJECTS INCLUDED IN A CAPITAL IMPROVEMENT PROGRAM AT AN AIR CARRIER AIRPORT.*—

(1) *In the case of a project which is approved under section 16(c)(3) of this Act, the amount apportioned to a sponsor under section 15(a)(3)(A) of this Act, and such amounts as may be specified by the Secretary from funds provided under section 15(a)(3)(B) of this Act, shall become obligations of the United States pursuant to section 14(b)(2) of this Act, except as otherwise provided in paragraph (2) of this subsection.*

(2) *If the obligational authority which is apportioned, under section 15(a)(3)(A) of this Act, to the sponsor of an air carrier airport for any specified fiscal year exceeds the United States share of the allowable costs for development projects in such sponsor's capital improvement program (as approved by the Secretary), such excess shall be withheld from obligation, subject to section 15(a)(5) of this Act, pending the Secretary's approval of an expanded capital improvement program.*

SEC. 20. PROJECT COSTS.

* * * * *

(b) *COSTS NOT ALLOWED.*—The following are not allowable project costs: (1) the cost of construction of that part of an airport develop-

ment project intended for use as a public parking facility for passenger automobiles; or (2) [the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.] *the cost of construction, alteration, repair, or acquisition of a hangar or of any part of an airport building or facility (including passenger transfer vehicles), except such buildings, parts of buildings, or facilities as (A) are directly related to the safety of persons at the airport, (B) involve multimodal passenger terminal buildings or facilities, or (C) are both (i) directly related to the movement of passengers and baggage within the airport boundaries and (ii) involve public use areas which do not generate revenue for the airport sponsor.*

SEC. 53. MAXIMUM CHARGES FOR CERTAIN OVERTIME SERVICES.

* * * * *

“(e) *Any inspection of quarantine service which is required to be performed, at airports of entry or other places of inspection as a consequence of the operation of aircraft, by the Federal Government or any agency thereof shall be performed without reimbursement from the owners or operators of such airports or places, if such service is performed during regularly established hours of service on Sundays or holidays to the same extent as if such service had been performed during regularly established hours of service on weekdays.*

FEDERAL AVIATION ACT OF 1958

* * * * *

AIRPORT OPERATING CERTIFICATES

SEC. 612. * * *

ISSUANCE

(b) Any person desiring to operate an airport serving air carriers certificated by the Civil Aeronautics Board may file with the Administrator an application for an airport operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an airport operating certificate to such person. Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, including but not limited to, terms, conditions, and limitations relating to—

“(1) the installation, operation, and maintenance of adequate air navigation facilities; and

“(2) the operation and maintenance of adequate safety equipment [including firefighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft].

ESTIMATED COSTS

The Committee estimates the cost of this legislation to be as follows:

[In millions of dollars]

	Fiscal year—				
	1976+TQ	1977	1978	1979	1980
Airport grants.....	675	585	620	660	700
Air navigation facilities and equipment.....	250	250	250	250	250
Research, development and demonstration not less than.....	50	50	50	50	50
Total.....	975	885	920	960	1,000

Note: 5-yr. total \$4,740,000,000.

It should be noted that all of the funds obligated in this bill will come from receipts from the Airport and Airway Trust Fund which has an adequate surplus and has estimated revenue generation to fund the foregoing development.

We emphasize that no general tax revenues of the United States are involved in this program.

ESTIMATE OF OUTLAYS

Pursuant to section 308(a) of the Congressional Budget and Impoundment Act of 1974 the following is a list of estimated outlays which will result from the obligational authority and authorizations contained in this bill.

OUTLAY ESTIMATE

[Millions of dollars]

	Fiscal year 1976	Transition quarter	Fiscal year—					1981	1982-84
			1977	1978	1979	1980			
ADAP.....	27.0	93.0	382.0	553.0	600.0	653.0	548.0	414.0	
F. & E.....	21.3	57.8	230.6	280.1	252.9	252.3	250.0	217.5	
R. & D.....	15.6	28.1	78.2	78.1	62.5	62.5	62.5	187.5	
Total.....	63.9	178.9	690.8	911.2	915.4	967.8	860.5	819.0	

Under the Airport-grant-in-aid program, cities, counties, states, and port districts are the recipients of the grants.

TEXT OF S. 3015, AS REPORTED

A BILL To provide for the continued expansion and improvement of the Nation's airport and airway system, to streamline the airport grant-in-aid process and strengthen national airport system planning, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airport and Airway Development Act Amendments of 1976".

AUTHORIZATION EXTENSION

SEC. 2. Section 2 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1701) is amended (1) by striking out "June 30, 1980," each place it appears and inserting in lieu thereof "September 30, 1980,"; and (2) by striking out "\$2,500,000,000" and inserting in lieu thereof "\$4,695,000,000".

DEFINITIONS

SEC. 3. (a) Section 11 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended by—

(1) amending paragraph (2) thereof to read as follows:

"(2) 'Airport development' means any—

"(A) work involved in construction, improvement, or repair of a public airport or any portion thereof, including (i) the construction, alteration, repair, or acquisition of airport passenger terminal buildings or of facilities (including passenger transfer vehicles) which are directly related to the movement of passengers and baggage within the airport boundaries, (ii) the removal, lowering, relocation, marking, and lighting of airport hazards, (iii) navigation aids used by aircraft landing at or taking off from a public airport, (iv) safety equipment required by rule or regulation of the certification (under section 612 of the Federal Aviation Act of 1958) of a public airport, (v) security equipment required by rule or regulation of the Secretary to be maintained by an airport sponsor for the safety and security of persons and property on a public airport, (vi) snow removal equipment, and (vii) noise suppression hardware, physical barriers, landscaping, and other appurtenances which are related to diminishing the effect of aircraft noise on any area adjacent to a public airport;

"(B) acquisition of land, any interest in land, any easement through airspace, or any other interest in airspace (including land for future airport development) which is necessary (i) to conduct any work described in this paragraph, (ii) to remove, mitigate, prevent, or limit the establishment of airport hazards, or (iii) to assure that the land acquired is used only for purposes which are compatible with the operation of a public airport and the noise levels emanating therefrom;

"(C) work involved in preparing and establishing an airport master plan or a capital improvement program;

"(D) work involved in planning for adequate ground transportation to and from a public airport; and

"(E) the acquisition of land for, and the construction of, multimodal (including airport) terminal buildings or facilities, for the intermodal transfer of passengers and baggage between and among interconnecting air, rail, and highway transportation routes and facilities.";

(2) inserting immediately before paragraph (1) thereof the following new paragraph:

“(1) ‘Air carrier airport’ means—

(A) an existing public airport which is regularly served, or a new public airport which the Secretary determines will be regularly served, by an air carrier (i) which is certificated by the Civil Aeronautics Board, under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371), and which operates at such airport aircraft in excess of 12,500 pounds maximum certificated gross takeoff weight or (ii) which is operating under an exemption granted by such Board from such section 401 and which provides service, pursuant to an order of such Board, in lieu of or in substitution for service by a certificated air carrier; or

(B) an airport in the State of Alaska which is regularly served by an air carrier which is certificated by the Civil Aeronautics Board under such section 401.”

(3) inserting immediately after paragraph (5) thereof the following two new paragraphs:

“(6) ‘Capital improvement program’ means a document which identifies and describes all of the airport development projects which are planned for a specific airport during a period of not less than 3 successive fiscal years and which specifies yearly priorities and annual cost estimates. The term includes an airport layout plan showing the airport boundaries and the location of all existing and planned facilities.

“(7) ‘General aviation airport’ means a public airport which is not an air carrier airport.”;

(4) (A) adding after “project” in paragraph (9) thereof the following: “(or separate projects submitted together)”;

and (B) adding after “development” in paragraph (9) thereof the following: “, including the combined submission of all projects for an air carrier airport which are included within a capital improvement program”;

(5) inserting immediately after paragraph (12) thereof the following new paragraph:

“(13) ‘Reliever airport’ means a general aviation airport which is designated as such by the Secretary because (A) it is capable of receiving general aviation traffic directed from an air carrier airport, and (B) its primary function is to utilize such capability to relieve congestion at such air carrier airport.”; and

(6) striking out all after “public” in paragraph (16) thereof and inserting in lieu thereof the following: “, including vehicles and support facilities which are directly related to the movement of passengers and baggage within the airport boundaries.”.

(b) Section 11 of such Act is further amended by (1) renumbering the paragraphs of such section, as amended by subsection (a) of this section, as paragraphs (1) through (21) thereof, respectively; and (2) making a conforming change at each place in such Act where a reference to any such paragraph appears.

REVISED NATIONAL AIRPORT SYSTEM PLAN

SEC. 4. Section 12 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712) is amended by adding at the end thereof the following new subsection:

“(i) REVISED SYSTEM PLAN.—The Secretary shall, after further consultation with the Civil Aeronautics Board and with the governmental agencies and other interests identified in subsections (c) through (g) of this section, prepare and publish, in accordance with the subsection, a revised national airport system plan. The revised national airport system plan (1) shall be published not later than January 1, 1978; (2) shall be designed to improve, and to provide a better guide for planning for, the orderly development of a system of public airports in the United States; (3) shall not consist of a detailed project-by-project listing for each airport; (4) shall classify each airport, which the Secretary retains in or adds to such plan, in terms of its present functional role in the national airport system and in terms of the functional role anticipated for it during the 10-year period following the date of publication thereof; (5) shall identify, by type or category, the airport development projects which are appropriate for an airport of each such classification during such 10-year period; and (6) may be revised and amended by the Secretary on the basis of new information. The Secretary shall publish, not later than January 1, 1978, and annually thereafter, his estimates as to the cost of achieving the airport development envisioned in this revised national airport system plan, including estimates for the development which he considers to be of the highest priority to a national system of public airports.”.

PLANNING GRANTS

SEC. 5. Section 13(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1713(a)) is amended (1) by inserting immediately after “Secretary” the phrase “, for fiscal years 1971 through 1975.”; and (2) by inserting immediately after “master planning” the phrase “under this section”.

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

SEC. 6. (a) Section 14(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(a)) is amended by adding at the end thereof the following two new paragraphs:

“(3) For the purpose of developing air carrier and reliever airports in the several States, in the Commonwealth of Puerto Rico, in Guam, in American Samoa, in the Trust Territory of the Pacific Islands, and in the Virgin Islands, and for the conduct of airport system planning to serve all classes of civil aviation, \$625,000,000 for the fiscal year and the transitional fiscal quarter ending in 1976, \$535,000,000 for the

fiscal year ending in 1977, \$570,000,000 for the fiscal year ending in 1978, \$605,000,000 for the fiscal year ending in 1979, and \$640,000,000 for the fiscal year ending in 1980.

"(4) For the purpose of developing general aviation airports in the several States, in the Commonwealth of Puerto Rico, in Guam, in American Samoa, in the Trust Territory of the Pacific Islands, and in the Virgin Islands, \$50,000,000 for the fiscal year and the transitional fiscal quarter ending in 1976, \$45,000,000 for the fiscal year ending in 1977, \$50,000,000 for the fiscal year ending in 1978, \$55,000,000 for the fiscal year ending in 1979, and \$60,000,000 for the fiscal year ending in 1980."

(b) Section 14(b) of such Act (49 U.S.C. 1714(b)) is amended by—

(A) inserting "(1)" immediately before the first sentence thereof;

(B) striking out the term "subsection" in the second, third, and fourth sentences thereof and inserting in lieu thereof "paragraph"; and

(C) adding at the end thereof the following new paragraph:

"(2) Except as otherwise provided in this paragraph the Secretary may incur obligations to make grants for airport development from any funds made available under subsections (a) (3) and (4) of this section. This authority shall exist with respect to any funds which are made available, pursuant to subsection (a) of this section, for such purpose in any fiscal period, immediately after such funds are apportioned, pursuant to section 15(a) of this Act. No such obligation may be incurred after September 30, 1980, and the Secretary may not incur more than one such obligation with respect to any single airport development project."

(c) Section 14(c) of such Act (49 U.S.C. 1714(c)) is amended by striking out "1975" and inserting in lieu thereof "1980, and not less than \$62,500,000 for the period from July 1, 1976, through September 30, 1976."

(d) Section 14(d) of such Act (49 U.S.C. 1714(d)) is amended to read as follows:

"(d) RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—The Secretary may carry out, under section 312(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1353(c)), such demonstration projects as he determines to be necessary in connection with research and development activities under such section 312(c). For research, development, and demonstration projects and activities under such section 312(c), the Secretary may, within the limits established in appropriation Acts, obligate for expenditure not less than \$50,000,000 for each of the fiscal years ending in 1971 through 1980, and not less than \$12,500,000 for the period from July 1, 1976 through September 30, 1976."

(e) Subsection (e) of section 14 of such Act is redesignated as subsection (f) thereof, and the following new subsection is inserted as a new subsection (e) thereof:

"(e) TRUST FUND BALANCES.—The balance of the moneys available in the Airport and Airway Trust Fund may be appropriated only for the programs and activities authorized by this Act."

(f) Paragraph (3) of section 14(f) (as redesignated by this section) of such Act is amended by striking out "except to the extent authorized by subsection (d)".

DISTRIBUTION OF FUNDS

SEC. 7. (a) Section 15(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1715(a)) is amended by renumbering paragraphs (3) and (4) thereof as paragraphs (5) and (6) thereof, respectively, and by inserting immediately following paragraph (2) thereof the following two new paragraphs:

"(3) As soon as possible after the date of enactment of this paragraph, and on or before July 1, 1976 (for the interim fiscal period), and on or before the 1st day of each fiscal year which begins on or after October 1, 1976 (for any fiscal year in which an amount may be obligated for the purposes of section 14(a) (3) of this Act), the amount made available for such period or fiscal year shall be apportioned by the Secretary as follows:

"(A) There shall be apportioned, to the sponsor of each air carrier airport, with respect to such airport—

"(i) six dollars for each of the first 50,000 passengers who enplaned at such airport,

"(ii) four dollars for each of the next 50,000 passengers who enplaned at such airport,

"(iii) two dollars for each of the next 400,000 passengers who enplaned at such airport, and

"(iv) fifty cents for each passenger in excess of 500,000 who enplaned at such airport.

No air carrier airport shall receive under this subparagraph less than \$150,000 or more than \$10,000,000 for any fiscal year (or less than \$37,500 or more than \$2,500,000 for the period from July 1, 1976, through September 30, 1976); except that each air carrier airport in the State of Alaska which receives air carrier service with aircraft having a maximum certificated gross takeoff weight of less than 12,500 pounds shall receive not less than \$50,000 for any fiscal year (or not less than \$12,500 for the period from July 1, 1976 through September 30, 1976). In no event shall the total amount of all apportionments under this subparagraph (for any fiscal year or period) exceed two-thirds of the amount authorized to be obligated for the purpose of section 14(a) (3) of this Act for such fiscal year or period. In any case in which application of the preceding sentence requires a reduction in apportionment, the Secretary shall, for each such fiscal year or period, reduce each such sponsor's apportionment proportionately until such two-thirds amount is achieved.

"(B) Any amount not apportioned under subparagraph (A) of this paragraph shall be distributed at the discretion of the Secretary.

"(C) The Secretary may, at the request of the chief executive officer of the State of Alaska, reapportion funds annually apportioned to air carrier airports in Alaska which are served by air carriers which are certificated by the Civil Aeronautics

Board, under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371), and which operate at such airport aircraft of less than 12,500 pounds maximum certificated gross take-off weight. Such funds may be reapportioned to such individual airports in such State as the Secretary deems appropriate to meet the special and unique needs of air commerce in Alaska.

“(4) As soon as possible after the date of enactment of this subparagraph and on or before July 1, 1976 (for the interim fiscal period); and on or before the first day of each fiscal year which begins on or after October 1, 1976 (for any fiscal year in which an amount may be obligated for the purposes of section 14(a) (4) of this Act), the amount made available for such period or fiscal year shall be apportioned by the Secretary as follows:

“(A) seventy-five percent for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all of the States;

“(B) one percent for the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, to be distributed at the discretion of the Secretary; and

“(C) twenty-four percent, to be distributed at the discretion of the Secretary, for general aviation airports.

(b) Paragraph (5) (as renumbered by this section) of such section 15(a) is amended (1) by inserting immediately after “(2) (A)” the term “or (4) (A)”, and (2) by inserting after “(1) (B)” the term “or (3) (A)”.

(c) Section 15(b) of such Act (49 U.S.C. 1715(b)) is amended—

(1) by striking out “(3)” in paragraph (2) of such subsection and inserting in lieu thereof “(5)”; and

(2) by adding at the end thereof the following new paragraph:

“(3) Not to exceed \$10,000,000 for each fiscal year (and \$2,500,000 for the interim fiscal period), pursuant to subsection (a) (3) (B) of this section, shall be made available for grants to planning agencies for airport system planning.”

(d) The first sentence of section 15(c) of such Act (49 U.S.C. 1715(c)) is amended to read as follows: “The Secretary shall inform each air carrier airport sponsor and the Governor of each State, or the chief executive officer of the equivalent jurisdiction, as the case may be, on or before April 1 of each year of the estimated amount of the apportionment to be made on or before October 1 of that year.”

STREAMLINED AIRPORT GRANT-IN-AID PROCESS

SEC. 8. (a) Section 16(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(a)) is amended by striking out the second sentence thereof and inserting in lieu thereof the following: “A project application may describe one or more proposed airport development projects and, in the case of an air carrier airport for which funds are apportioned under section 15(a) (3) (A) of this Act,

may describe a capital improvement program. Until July 1, 1975, no project application shall propose any airport development which is not included in the then current revision of the national airport system plan formulated by the Secretary. After January 1, 1978, no project application shall propose any airport development which is inconsistent with the revised national airport system plan prepared under section 12(i) of this Act. All proposed airport development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.”

(b) Section 16(c) of such Act (49 U.S.C. 1715(c)) is amended by (1) striking out paragraphs (2) and (4) thereof; (2) renumbering paragraph (3) thereof as paragraph (2); and (3) inserting at the end thereof the following three new paragraphs:

“(3) In the case of an air carrier airport for which funds are apportioned under section 15(a) (3) (A) of this Act, the Secretary's approval of a capital improvement program shall be considered approval of each project identified and described in that plan, including, subject to such regulations as the Secretary may prescribe, projects to be funded or partially funded under section 15(a) (3) (B) of this Act. A capital improvement program may not be approved by the Secretary unless it includes, in addition to other information reasonably requested by the Secretary—

“(A) a schedule of all airport development projects, listed in order of priority, which the sponsor would accomplish, with the aid of funds apportioned to it under section 15(a) (3) (A) of this Act, for each of the fiscal years (not less than 3) involved in its capital improvement program; and

“(B) a schedule of all airport development projects, listed in order of priority, which the sponsor proposes for funding by the Secretary from the discretionary funds authorized by section 15(a) (3) (B) of this Act, for each of the fiscal years (not less than 3) involved in its capital improvement program.

“(4) No airport development project for terminal area development may be approved by the Secretary, unless the sponsor of the air carrier airport involved certifies in the applicable project application that all of the safety and certification equipment which is required for certification of such airport, under section 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1432), has been installed.”

(c) Section 16 of such Act (49 U.S.C. 1716) is amended by adding at the end thereof the following new subsection:

“(g) In determining compliance with the requirements of this section and Act, the Secretary may, to the greatest extent practicable consistent with the objectives of this Act, accept conclusive certifications from sponsors who aver that they have complied or will comply with all of the statutory, regulatory, and procedural requirements which are imposed in connection with airport development projects under this Act.”

FEDERAL SHARE OF AIRPORT DEVELOPMENT PROJECT COSTS

SEC. 9. (a) Section 17(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717(a)) is amended by striking everything after "of this part" and inserting in lieu thereof the following: "shall be—

"(1) ninety percent with respect to airports enplaning less than one-quarter of 1 percent of the total number of passengers enplaned each year, as determined under section 15(a)(4) of this Act, and for reliever and other general aviation airports; and

"(2) seventy-five percent with respect to other airports."

(b) Section 17(b) of such Act (49 U.S.C. 1717(b)) is amended by adding at the end thereof the new sentence: "In no event shall such United States share, as increased by this subsection, exceed the greater of (1) the percentage share determined under subsection (a) of this section; or (2) the percentage share applying on June 30, 1975, as determined under this subsection."

(c) Section 17 of such Act (49 U.S.C. 1717) is further amended by striking out subsections (c), (d), and (e) thereof and inserting in lieu thereof the following two new subsections:

"(c) PUBLIC USE TERMINAL AREA FACILITIES.—The United States share of the project cost of an approved project for airport development shall be 50 percent of the allowable cost of construction, alteration, repair, or acquisition of public use airport passenger terminal buildings or facilities (including passenger transfer vehicles) directly related to the movement of passengers and baggage within the boundaries of an air carrier airport. The United States share of the project cost of an approved project for airport development shall be 75 percent of the allowable cost of construction, alteration, repair, or acquisition of multimodal (including airport) passenger terminal buildings or facilities (including passenger transfer vehicles) within the boundaries of an air carrier airport. In no event shall the United States share exceed the sums apportioned under section 15(a)(3)(A) of this Act. No air carrier airport may receive grants under this subsection unless it establishes or has established a terminal enplaning and deplaning facility for the use of passengers on general aviation aircraft; except that Federal inspection agencies shall (as authorized by Public Law 87-255 (49 U.S.C. 1509)) reimburse airport sponsors for the proportionate use by such agencies of facilities provided at such airport for the inspection of passengers in foreign air transportation and of the baggage of such passengers, to the extent that the construction costs for such facilities are not provided pursuant to this Act.

"(d) AIRPORT SYSTEM PLANNING.—The United States share of the project cost of an approved project for the conduct of airport system planning, as authorized by section 14(a)(3) of this Act, shall be 75 percent."

PROJECT SPONSORSHIP

SEC. 10. Section 18 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1718) is amended by inserting immediately after paragraph (10) thereof the following two new paragraphs:

"(11) In deciding whether to undertake specific airport development projects under this section, the sponsor shall consult with the air carriers who use the airport with respect to which such projects are proposed.

"(12) An airport sponsor shall not include in the rate base, in establishing fees, rates, and charges for users of an airport, any part of the Federal share of an airport development grant made, with respect to such airport, under this title or under the Federal Airport Act (49 U.S.C. 1101 et seq.)."

GRANT AGREEMENTS

SEC. 11. Section 19 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1719) is amended—

(1) by striking out "Upon" in the first sentence thereof and inserting in lieu thereof the following:

"(a) SPECIFIC PROJECTS.—Except as provided in subsection (b), upon";

(2) by inserting immediately after the third sentence thereof the following new sentence: "Whenever the Secretary approves an application for a project which will not be completed in one fiscal year, the offer shall, at the request of the sponsor, provide for the obligation of funds which are or will be apportioned to such sponsor, pursuant to section 15(a)(3)(A) of this Act, for such fiscal years (including future fiscal years) as may be necessary to pay the United States share of the cost of such project.";

(3) by striking out the next to the last sentence thereof; and

(4) by adding at the end thereof the following new subsection:

"(b) PROJECTS INCLUDED IN A CAPITAL IMPROVEMENT PROGRAM AT AN AIR CARRIER AIRPORT.—

"(1) In the case of a project which is approved under section 16(c)(3) of this Act, the amount apportioned to a sponsor under section 15(a)(3)(A) of this Act, and such amounts as may be specified by the Secretary from funds provided under section 15(a)(3)(B) of this Act, shall become obligations of the United States pursuant to section 14(b)(2) of this Act, except as otherwise provided in paragraph (2) of this subsection.

"(2) If the obligational authority which is apportioned, under section 15(a)(3)(A) of this Act, to the sponsor of an air carrier airport for any specified fiscal year exceeds the United States share of the allowable costs for development projects in such sponsor's capital improvement program (as approved by the Secretary), such excess shall be withheld from obligation, subject to section 15(a)(5) of this Act, pending the Secretary's approval of an expanded capital improvement program."

PROJECT COSTS

SEC. 12. Section 20(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720(b)) is amended by striking out all after "(2)" and inserting in lieu thereof the following: "the cost of construction, alteration, repair, or acquisition of a hangar or of any part of an airport building or facility (including passenger transfer vehicles), except such buildings, parts of buildings, or facilities as (A) are directly related to the safety of persons at the airport, (B) involve multimodal

passenger terminal buildings or facilities, or (C) are both (i) directly related to the movement of passengers and baggage within the airport boundaries and (ii) involve public use areas which do not generate revenue for the airport sponsor.”

STATE DEMONSTRATION PROGRAMS

SEC. 13. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.), is further amended by inserting immediately after section 27 the following new section:

“SEC. 28. STATE DEMONSTRATION PROGRAMS.

“(a) DEMONSTRATION PROGRAM.—If the Secretary determines, after review of the certification required by subsection (b) of this section, that a State is capable of managing a demonstration program for administering United States grants-in-aid for general aviation airports in that State, the Secretary may make a grant for such purpose to such State of funds apportioned to it under section 15(a)(4)(A) of this Act and of any part of the discretionary funds available under section 15(a)(4)(C) of the Act. Such a grant shall be conditioned on a requirement that such State grant funds to applicable airport sponsors in the same manner and subject to the same conditions as the Secretary applies and imposes in making grants to such sponsors under this title.

“(b) CERTIFICATION REQUIREMENTS.—If a State wishes to manage a demonstration program for administering United States grants-in-aid for general aviation airports, the chief executive officer of such State shall certify to the Secretary, on a form and in the manner prescribed by the Secretary, that—

“(1) it complies with all eligibility requirements and criteria established by this section and by the Secretary;

“(2) such State’s participation in the demonstration program has been specifically authorized by an action of such State’s legislature duly taken after the date of enactment of this section;

“(3) such State has demonstrated its interest in assisting general aviation airports in such State by appropriating and expending State funds, within each of the 5 fiscal years preceding such certification, for the capital development of such airports; and

“(4) such State’s legislature has authorized the appropriation of State funds for the capital development of general aviation airports in such State during the period for which funds are sought under this section.

“(c) RESTRICTIONS.—The Secretary shall not, pursuant to this section—

“(1) enter into demonstration projects in more than three States;

“(2) allow any funds granted to States to be used to pay costs incurred by the States in administering the demonstration programs;

“(3) initiate any demonstration program after January 1, 1977; and

“(4) make a grant to any State after September 30, 1978.

“(d) REPORT.—The Secretary shall evaluate and report to the Congress, not later than March 31, 1978, on the results of any demonstration programs assisted under this section.”

AIRPORT SECURITY IN ALASKA

SEC. 14. The Federal Aviation Act of 1958 (49 U.S.C. 1432 et seq.) is amended by adding at the end of title III thereof the following new section:

“SEC. 317. The Administrator is authorized to exempt from the provisions of sections 315 and 316 of this Act those airports in Alaska which receive service only from air carriers operating under certificates granted by the Civil Aeronautics Board under section 401 of this Act and which operate aircraft having a certificated gross takeoff weight of less than 12,500 pounds.”

COMPENSATION FOR REQUIRED SECURITY MEASURES IN FOREIGN AIR TRANSPORTATION

SEC. 15. The Federal Aviation Act of 1958 (49 U.S.C. 1432 et seq.), as amended by this Act, is amended by adding at the end of title III thereof the following new section:

“SEC. 318. (a) The Secretary of Transportation shall, upon request, compensate any air carrier, which is certificated by the Board under section 401 of this Act, for that portion of the amount expended by such carrier for security-screening facilities and procedures (as required by section 315(a) of this Act and regulations issued under such section), which is attributable to the screening of passengers moving in foreign air transportation. Any such compensation shall be reduced by the amount, if any, by which the revenues of such carrier attributable to the cost of security-screening facilities and procedures used in intrastate, interstate, and overseas air transportation exceed the actual cost to such carrier of such facilities and procedures. The Secretary may issue such regulations as he deems necessary to carry out the purpose of this section.

“(b) There is authorized to be appropriated to carry out the purposes of this section not to exceed \$3,750,000 for the fiscal year and the transitional fiscal quarter ending in 1976, not to exceed \$3,000,000 for the fiscal year ending in 1977, and \$3,000,000 for the fiscal year ending in 1978.”

REDUCTION OF NONESSENTIAL EXPENDITURES

SEC. 16. The Secretary of Transportation shall, in accordance with this section, attempt to reduce, to the maximum extent practicable consistent with the highest degree of aviation safety, the capital, operating, maintenance, and administrative costs of the national airport and airway system. The Secretary shall, at least annually, consult with and give due consideration to the views of users of such system on methods of reducing nonessential Federal expenditures for aviation. The Secretary shall give particular attention to any recommendations which could reduce, without any adverse effects on safety, future Federal manpower requirements and costs which are required to be recouped from charges on such users.

AMENDMENT TO FEDERAL AVIATION ACT OF 1958

SEC. 17. Section 612(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1432(b)), is amended by striking out all after "safety equipment" in the last sentence thereof and inserting in lieu thereof a period.

SPECIAL STUDIES

SEC. 18. The Secretary of Transportation shall conduct studies with respect to—

(1) the feasibility, practicability, and cost of land bank planning and development for future and existing airports, to be carried out, through Federal, State, or local government action; and

(2) the establishment of new major public airports in the United States, including (A) identifying potential locations, (B) evaluating such locations, and (C) investigating alternative methods of financing the land acquisition and development costs necessary for such establishment.

The Secretary shall consult with and solicit the views of such planning agencies, airport sponsors, other public agencies, airport users, and other interested persons or groups as he deems appropriate to the conduct of such studies. The Secretary shall report to the Congress on the results of such studies, including legislative recommendations, if any, within 1 year after the date of enactment of this section.

LIMITING CHARGES FOR GOVERNMENT INSPECTION OF PERSONS AND PROPERTY

SEC. 19. Section 53 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1741) is amended by adding at the end thereof the following new subsection:

"(e) Any inspection or quarantine service which is required to be performed, at airports of entry or other places of inspection as a consequence of the operation of aircraft, by the Federal Government or any agency thereof shall be performed without reimbursement from the owners or operators of such airports or places, if such service is performed during regularly established hours of service on Sundays or holidays to the same extent as if such service had been performed during regularly established hours of service on weekdays."

PROHIBITING DISCRIMINATION AMONG USERS OF AIRPORTS

SEC. 20. Section 18(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1718), is amended by striking out ";" and inserting in lieu thereof the following: ", and that each civil aeronautics enterprise using such airport shall be subject to the same rates, fees, rentals, and other charges, and to the same rules, regulations, and conditions, as are uniformly applicable to all other civil aeronautics enterprises which make the same or similar uses of such airport and which utilize the same or similar facilities. For purposes of this paragraph all air carriers certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958, shall be considered a single civil aeronautics enterprise;"

MINORITY VIEWS OF MR. BUCKLEY

I am disappointed that the Commerce Committee voted down my amendment which would have given the general taxpayer some indirect relief in the area of airport financing. The majority on the Commerce Committee turned down an opportunity to relieve the general taxpayer of the burden of having to pay for air travel whether he uses it or not. I suspect that, as with many Federal subsidy programs, this result has ensued because the various beneficiaries of the program are organized and vocal while the interest of the general taxpayer is not.

The airport development aid program is mainly a capital-grant type of program. The user taxes financing the trust fund which services the program have yielded a surplus of about \$868 million. However, only 50 percent of FAA's \$2.2 billion total budget for 1976 is financed out of this user tax program—the remainder comes out of general tax revenues and is used to operate the air navigations control system and for other purposes. The issue has thus arisen as to whether future trust fund surpluses should be used (a) to replace those FAA (noncapital) expenditures which are currently borne by the taxpayer or (b) to reduce the user fees financing the trust fund.

My amendment would have allowed future trust fund surpluses to be used to finance the cost of maintaining and operating the air navigation control system, which is presently borne by FAA and therefore the general taxpayer. Capital expenditures would be protected by a provision that only the "balance" of the trust fund revenues (the surplus) may be used to finance maintenance expenditures. The House-passed extension of the ADAP program (Congressional Record, December 18, 1975) contains a similar provision, but it provides for only a small diversion of trust fund revenue, up to the following maximum amounts:

Fiscal year 1976.....	\$50,000,000
Transition period.....	12,500,000
Fiscal year:	
1977.....	75,000,000
1978.....	100,000,000
1979.....	125,000,000
1980.....	150,000,000

My amendment would have relieved the general taxpayer of more of the burden of these expenditures, up to the following maximum amounts:

July 1, 1975–September 30, 1976.....	\$150,000,000
1977.....	300,000,000
1978.....	325,000,000
1979.....	350,000,000
1980.....	375,000,000

There has been much in the press quoting Members of Congress to the effect that our tax system discriminates against lower and middle

income individuals. The current ADAP program is a prime example of the truth of these assertions. Data supplied by the Department of Transportation shows that the median income of air travelers is about \$24,000. Based on data gathered by a Wichita, Kans., market research firm, it can be inferred that the median income of private plane purchasers is about \$29,000 per year. Since air travelers are relatively more affluent than the general taxpaying citizenry, the use of general tax revenue to subsidize air travel can only represent a regressive transfer payment.

Air travel is one of the least efficient energy modes of transport. According to the Department of Transportation energy data, medium-sized planes are less energy-efficient (on a Btu per seat-mile basis) than compact automobiles moving intercity. Our promotion of air travel is promoting the inefficient overuse of energy.

Moreover, it makes little sense for the taxpayer to subsidize air travel while he is simultaneously funding Amtrak in order to encourage travelers to take the train. In the last fiscal year, Amtrak lost \$313 million and was running a loss even in the densely-populated Northeast corridor. Although there are certain environmental reasons for supporting Amtrak, these reasons certainly do not apply to air travel.

The maintenance of the Federal aid highway system is financed to a significant extent by the user through gasoline and other user taxes. Revenue from the highway trust fund is used to finance operational costs of both the Federal Highway Administration and the National Highway Traffic Safety Administration. Granted, the highway system is not completely financed by those who use it the most. However, the environmental and energy reasons for a more user-financial automobile travel apply a fortiori to air travel.

It was noted in Committee debate that the use of trust fund revenues for maintenance expenses would be contrary to the philosophy of the 1971 amendment which prohibited such use. However, in 1971, the energy and budgetary crises had not yet burst upon us, and it was harder to argue against the view that air travel should be subsidized and promoted. I would hope that Federal transportation priorities have changed since 1971. Although it is understandable to want the user taxes financing the trust fund to be reduced so that everyone can enjoy cheaper air travel, I submit that this is improper as long as the general taxpayer is burdened with financing transportation that he may not want.

JAMES L. BUCKLEY.



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend the Airport and Airway Development Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airport and Airway Development Act Amendments of 1976".

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT AMENDMENTS

DECLARATION OF POLICY

SEC. 2. Section 2 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1701) is amended by striking out "June 30, 1980," the first place it appears and inserting in lieu thereof "September 30, 1980," and by striking out everything after "\$250,000,000."

DEFINITIONS

SEC. 3. (a) Section 11 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended as follows:

(1) Paragraph (2) is amended by—

(A) striking out "and (B)" and inserting in lieu thereof "and including snow removal equipment, and including the purchase of noise suppressing equipment, the construction of physical barriers, and landscaping for the purpose of diminishing the effect of aircraft noise on any area adjacent to a public airport, (B)"; and

(B) striking out the period at the end thereof and inserting in lieu thereof ", and (C) any acquisition of land or of any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport."

(2) Paragraph (4) is amended by adding after "feasibility studies," the following: "including the potential use and development of land surrounding an actual or potential airport site,".

(3) Before paragraph (1), add the following new paragraph:

"(1) 'Air carrier airport' means an existing public airport regularly served, or a new public airport which the Secretary determines will be regularly served, by an air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (other than a supplemental air carrier), and a commuter service airport."

(4) After paragraph (5), add the following new paragraphs:

"(6) 'Commuter service airport' means an air carrier airport which is not served by an air carrier certificated under section 401 of the Federal Aviation Act of 1958 and which is regularly served by one or more air carriers operating under exemption granted by the Civil Aeronautics Board from section 401(a) of the Federal Aviation Act of 1958 at which not less than two thousand five hundred passengers

were enplaned in the aggregate by all such air carriers from such airport during the preceding calendar year.

“(7) ‘General aviation airport’ means a public airport which is not an air carrier airport.”

(5) After paragraph (12), add the following new paragraph:

“(13) ‘Reliever airport’ means a general aviation airport designated by the Secretary as having the primary function of relieving congestion at an air carrier airport by diverting from such airport general aviation traffic.”

(b) Section 11 of the Airport and Airway Development Act of 1970 is amended by renumbering the paragraphs of such section as paragraphs (1) through (21), respectively, and renumbering all references to such paragraphs accordingly.

REVISED NATIONAL AIRPORT SYSTEM PLAN

SEC. 4. Section 12 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712) is amended by adding at the end thereof the following new subsection:

“(i) REVISED SYSTEM PLAN.—No later than January 1, 1978, the Secretary shall consult with the Civil Aeronautics Board and with each State and airport sponsor, and, in accordance with this section, prepare and publish a revised national airport system plan for the development of public airports in the United States. Estimated costs contained in such revised plan shall be sufficiently accurate so as to be capable of being used for future year apportionments. In addition to the information required by subsection (a), the revised plan shall include an identification of the levels of public service and the uses made of each public airport in the plan, and the projected airport development which the Secretary deems necessary to fulfill the levels of service and use of such airports during the succeeding ten-year period.”

PLANNING GRANTS

SEC. 5. Section 13(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1713) is amended as follows:

(1) The side heading is amended by striking out “APPORTIONMENT” and inserting in lieu thereof “LIMITATION”.

(2) Paragraph (1) is amended by striking out “\$75,000,000 and” and inserting in lieu thereof “\$150,000,000.”

(3) Paragraph (2) is amended to read as follows:

“(2) The United States share of any airport master planning grant under this section shall be that per centum for which a project for airport development at that airport would be eligible under section 17 of this Act. In the case of any airport system planning grant under this section, the United States share shall be 75 per centum.”

(4) Paragraph (3) is amended by striking out “7.5” and inserting in lieu thereof “10”.

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

SEC. 6. (a) Section 14(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended by adding at the end thereof the following new paragraphs:

“(3) For the purpose of developing air carrier airports in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin

Islands, \$435,000,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, \$440,000,000 for fiscal year 1977, \$465,000,000 for fiscal year 1978, \$495,000,000 for fiscal year 1979, and \$525,000,000 for fiscal year 1980.

“(4) For the purpose of developing general aviation airports in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, \$65,000,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, \$70,000,000 for fiscal year 1977, \$75,000,000 for fiscal year 1978, \$80,000,000 for fiscal year 1979, and \$85,000,000 for fiscal year 1980.”

(b) (1) Section 14(b) of such Act is amended—

(A) by inserting “(1)” immediately before the first sentence; and

(B) in the second, third, and fourth sentences, by striking out “subsection” and inserting in lieu thereof “paragraph”.

(2) Section 14(b) of such Act is further amended by adding at the end thereof the following new paragraph:

“(2) The Secretary is authorized to incur obligations to make grants for airport development from funds made available under paragraphs (3) and (4) of subsection (a) of this section, and such authority shall exist with respect to funds available for the making of grants for any fiscal year or part thereof pursuant to subsection (a) immediately after such funds are apportioned pursuant to section 15(a) of this title. No obligation shall be incurred under this paragraph after September 30, 1980. The Secretary shall not incur more than one obligation under this paragraph with respect to any single project for airport development. Notwithstanding any other provision of this title, no part of any of the funds authorized, or authorized to be obligated, for fiscal year 1980 at the discretion of the Secretary under paragraphs (3) (B) and (4) (C) of section 15(a), and no part of the discretionary funds for reliever airports under such paragraph (4), shall be obligated or otherwise expended except in accordance with a statute enacted after the date of enactment of this sentence.”

(c) Section 14(c) of such Act is amended by striking out the period at the end thereof and by inserting in lieu thereof a comma and the following: “not less than \$312,500,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and not less than \$250,000,000 per fiscal year for the fiscal years 1977 through 1980.”

(d) Section 14(e) of such Act is redesignated as section 14(f) and the following is inserted in section 14 as a new subsection (e):

“(e) OTHER EXPENSES.—The balance of the moneys available in the Airport and Airway Trust Fund may be appropriated for (1) costs of services provided under international agreements relating to the joint financing of air navigation services which are assessed against the United States Government, and (2) direct costs incurred by the Secretary to flight check and maintain air navigation facilities referred to in subsection (c) of this section in a safe and efficient condition. Eligible maintenance expenses are limited to costs incurred in the field and exclude the costs of engineering support and planning, direction, and evaluation activities. The amounts appropriated from the Airport and Airway Trust Fund for the purposes of clauses (1) and (2) may not exceed \$250,000,000 for fiscal year 1977, \$275,000,000 for fiscal year 1978, \$300,000,000 for fiscal year 1979, and \$325,000,000 for fiscal year 1980. The amounts appropriated in any fiscal year under this subsection may not exceed, when added to the minimum amounts authorized for that year under subsections (a),

(c), and (d) of this section, the amounts transferred to the Airport and Airway Trust Fund for that year under subsection 208(b) of the Airport and Airway Revenue Act of 1970. No part of the amount appropriated from the Airport and Airway Trust Fund in any fiscal year for obligation or expenditure under clause (2) of this subsection shall be obligated or expended which exceeds that amount which bears the same ratio to the maximum amount which may be appropriated under clauses (1) and (2) of this subsection for such fiscal year as the total amount obligated in that fiscal year under paragraphs (3) and (4) of subsection (a) of this section bears to the aggregate of the minimum amount made available for obligation under each such paragraph for such fiscal year.”

(e) Paragraph (1) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out “subsections (c) and (d) of this section, as amended” and by inserting in lieu thereof “this section”.

(f) Paragraph (2) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out “subsections (a) and (c)” and inserting in lieu thereof “subsections (a), (c), (d) and the third sentence of subsection (e)”.

(g) Paragraph (3) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out “subsection (d).” and inserting “subsection (e).”.

DISTRIBUTION OF FUNDS

SEC. 7. (a) Section 15(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1715) is amended by renumbering paragraphs (3) and (4) as (5) and (6), respectively, and by inserting immediately following paragraph (2) the following new paragraphs:

“(3) As soon as possible after the date of enactment of this paragraph for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and on the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

“(A) To each sponsor of an air carrier airport (other than a commuter service airport) as follows:

“(i) \$6.00 for each of the first fifty thousand passengers enplaned at that airport.

“(ii) \$4.00 for each of the next fifty thousand passengers enplaned at that airport.

“(iii) \$2.00 for each of the next four hundred thousand passengers enplaned at that airport.

“(iv) \$0.50 for each passenger enplaned at that airport over five hundred thousand.

No air carrier airport (other than a commuter service airport)—

“(I) served by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight, or previously served, on or after September 30, 1968, by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight and presently served by air carrier aircraft 12,500 pounds or less maximum certificated gross takeoff weight, shall receive under this subparagraph less than \$187,500 or more than \$12,500,000 for fiscal year 1976, includ-

ing the period July 1, 1976 through September 30, 1976, and less than \$150,000 or more than \$10,000,000 per fiscal year for fiscal years 1977 through 1980; and

“(II) served by air carrier aircraft 12,500 pounds or less maximum certificated gross takeoff weight which, since September 29, 1968, has never been regularly served by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight shall receive under this subparagraph less than \$62,500 or more than \$12,500,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and less than \$50,000 or more than \$10,000,000 per fiscal year for fiscal years 1977 through 1980.

In no event shall the total amount of all apportionments under this subparagraph (A) for any fiscal year exceed two-thirds of the amount authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part for such fiscal year. In any case in which an apportionment would be reduced by the preceding sentence, the Secretary shall for such fiscal year reduce the apportionment to each sponsor of an air carrier airport proportionately so that such two-thirds amount is achieved.

“(B) Any amount not apportioned under subparagraph (A) of this paragraph shall be distributed at the discretion of the Secretary as follows:

“(i) \$18,750,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and \$15,000,000 per fiscal year for the fiscal years 1977 through 1980, to commuter service airports.

“(ii) The remainder of such amount to air carrier airports.

“(4) As soon as possible after the date of enactment of this paragraph for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and on the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (4) of section 14(a) of this part, the amount made available minus \$18,750,000 in the case of fiscal year 1976, including such period, and minus \$15,000,000 in the case of each of the fiscal years 1977 through 1980, shall be apportioned by the Secretary as follows:

“(A) 75 per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

“(B) 1 per centum for the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands to be distributed at the discretion of the Secretary.

“(C) 24 per centum to be distributed at the discretion of the Secretary to general aviation airports.

\$18,750,000 of the amount made available for fiscal year 1976, including such period, and \$15,000,000 of the amount made available for each of the other fiscal years shall be distributed at the discretion of the Secretary to reliever airports.”

(b) Paragraph (5) of such section 15(a) (as renumbered by this section) is amended by inserting after “(2)(A)” the following “or (4)(A)”, by inserting after “(1)(B)” the following “or (3)(A)”, and by adding at the end thereof the following new sentence: “For

purposes of this paragraph funds apportioned pursuant to this section for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, shall be available for obligation for the same period of time as if such funds were apportioned for fiscal year 1976 exclusive of such period.”

(c) Section 15(b)(2) of the Airport and Airway Development Act of 1970 is amended by striking out “(3)” and inserting in lieu thereof “(5)”.

(d) The first sentence of subsection (c) of section 15 of the Airport and Airway Development Act of 1970 is amended to read as follows: “The Secretary shall inform each air carrier airport sponsor and the Governor of each State, or the chief executive officer of the equivalent jurisdiction, as the case may be, on April 1 of each year of the estimated amount of the apportionment to be made on October 1 of that year.”

(e) In making the apportionment for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, under section 15(a)(3)(A) of the Airport and Airway Development Act of 1970, the Secretary of Transportation shall increase the number of enplanements at each airport by 25 percent.

PROJECT APPROVAL

SEC. 8. (a) The first sentence of subsection (a) of section 16 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716) is amended by inserting after “project application” the following “for one or more projects”. The second sentence of subsection (a) of section 16 of the Airport and Airway Development Act of 1970 is amended by striking out “No” and inserting in lieu thereof “Until July 1, 1975, no”. Such section 16(a) is further amended by adding at the end thereof the following new sentences: “After June 30, 1975, no project application shall propose airport development except in connection with the following airports included in the current revision of the national airport system plan formulated by the Secretary under section 12 of this Act: (1) air carrier airports, (2) commuter service airports, (3) reliever airports, and (4) general aviation airports (A) which are regularly served by aircraft transporting United States mail, or (B) which are regularly used by aircraft of a unit of the Air National Guard or of a Reserve component of the Armed Forces of the United States, or (C) which the Secretary determines have a significant national interest. Except as provided in subsection (g), all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.”

(b) Section 16 of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new subsections:

“(g) STATE STANDARDS.—

“(1) The Secretary is authorized to make grants to any State, upon application therefor, for not to exceed 75 per centum of the cost of developing standards for airport development at general aviation airports in such State, other than standards for safety of approaches. The aggregate of all grants made to any State under this paragraph shall not exceed \$25,000.

“(2) The Secretary is authorized to approve standards established by a State for airport development at general aviation airports in such State, other than standards for safety of approaches, and upon such approval such State standards shall be the standards applicable to such general aviation airports in lieu of any comparable standard established under subsection (a) of this section. State standards approved under this subsection may be revised, from time to time, as the State or the Secretary determines necessary, subject to approval of such revisions by the Secretary.

“(3) There is authorized to be appropriated out of the Airport and Airway Trust Fund not to exceed \$1,275,000 to carry out this subsection.

“(h) The Secretary is authorized in connection with any project to accept a certification from a sponsor or a planning agency that such sponsor or agency will comply with all of the statutory and administrative requirements imposed on such sponsor or agency under this Act in connection with such project. Acceptance by the Secretary of a certification from a sponsor or agency may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so. Nothing in this subsection shall affect or discharge any responsibility or obligation of the Secretary under any other Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1652), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000b), title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).”

(c) Section 12(a) of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new sentence: “After June 30, 1975, the Secretary shall not include in the national airport system plan any airport which is not eligible for airport development grants under the next to the last sentence of section 16(a) of this title, except that nothing in this sentence shall require the Secretary to remove from the national airport system plan any airport in such plan on June 30, 1975.”

UNITED STATES SHARE

SEC. 9. (a) Section 17(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) is amended by striking out everything after “section 16” and inserting in lieu thereof the following: “of this part—

“(1) may not exceed 50 per centum of the allowable project costs in the case of grants made from funds for fiscal years 1971, 1972, and 1973, and may not exceed 50 per centum for sponsors whose airports enplane not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board, and may not exceed 75 per centum for sponsors whose airports enplane less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board and for sponsors of general aviation or reliever airports, in the case of grants made from funds for fiscal years 1974 and 1975; and

“(2) (A) shall be 90 per centum of the allowable project costs in the case of grants from funds for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and for fiscal years 1977 and 1978, and shall be 80 per centum of the allowable

project costs in the case of grants from funds for fiscal years 1979 and 1980, (i) for each air carrier airport (other than a commuter service airport) which enplanes less than one-quarter of 1 per centum of the total annual passengers enplaned as determined for purposes of making the latest annual apportionment under section 15(a)(3) of this Act, (ii) for each commuter service airport, and (iii) for each general aviation airport; and

“(B) shall be 75 per centum of the allowable project costs in the case of all other airports.”.

(b) Section 17(b) of such Act (49 U.S.C. 1717) is amended by adding at the end thereof the following new sentence: “In no event shall such United States share, as increased by this subsection, exceed the greater of (1) the percentage share determined under subsection (a) of this section, or (2) the percentage share applying on June 30, 1975, as determined under this subsection.”.

(c) Section 17(c) is amended by striking out “The” and inserting in lieu thereof “For fiscal years 1971 through 1975, the ”.

(d) Section 17(d) of such Act is amended by striking out everything after “share” and inserting in lieu thereof “shall be the same percentage as is otherwise applicable to such project.”.

(e) Section 17(e) of such Act is hereby repealed.

PROJECT SPONSORSHIP

SEC. 10. (a) Section 18 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1718) is amended by inserting “(a) SPONSORSHIP.—” immediately before “As a condition precedent”, by striking out “section.” at the end of such section and inserting in lieu thereof “subsection.”, and by adding at the end thereof the following new subsection:

“(b) CONSULTATION.—In making a decision to undertake any project under this title, any sponsor of an air carrier airport shall consult with air carriers using the airport at which such airport development project is proposed and any sponsor of a general aviation airport shall consult with fixed-base operators using the airport at which such airport development project is proposed.”.

(b) Paragraph (8) of subsection (a) of section 18 of the Airport and Airway Development Act of 1970 (as redesignated by subsection (a) of this section) is amended by striking out the semicolon and inserting in lieu thereof the following: “, except that no part of the Federal share of an airport development project for which a grant is made under this title or under the Federal Airport Act (49 U.S.C. 1101 et seq.) shall be included in the rate base in establishing fees, rates, and charges for users of that airport;”.

(c) Paragraph (1) of section 18(a) of the Airport and Airway Development Act of 1970 (as redesignated by subsection (a) of this section) is amended by striking out the semicolon and inserting in lieu thereof the following: “, including the requirement that (A) each air carrier, authorized to engage directly in air transportation pursuant to section 401 or 402 of the Federal Aviation Act of 1958, using such airport shall be subject to nondiscriminatory and substantially comparable rates, fees, rentals, and other charges and nondiscriminatory and substantially comparable rules, regulations, and conditions as are applicable to all such air carriers which make similar use of such airport and which utilize similar facilities, subject to reasonable classifications such as tenants or nontenants, and combined passenger and cargo flights or all cargo flights, and such classification or status

as tenant shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on tenant air carriers, and (B) each fixed-based operator using a general aviation airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport utilizing the same or similar facilities;”.

(d) The amendment made to section 18(a)(1)(A) of the Airport and Airway Development Act of 1970 (as amended by subsection (c) of this section) shall not require the reformation of any lease or other contract entered into by an airport before the date of enactment of this Act. The amendment made to section 18(a)(1)(B) of the Airport and Airway Development Act of 1970 (as amended by subsection (c) of this section) shall not require the reformation of any lease or other contract entered into by an airport before July 1, 1975.

MULTIYEAR PROJECTS

SEC. 11. Section 19 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1719) is amended by inserting immediately after the third sentence the following new sentence: “In any case where the Secretary approves an application for a project which will not be completed in one fiscal year, the offer shall, upon request of the sponsor, provide for the obligation of funds apportioned or to be apportioned to the sponsor pursuant to section 15(a)(3)(A) of this title for such fiscal years (including future fiscal years) as may be necessary to pay the United States share of the cost of such project.”.

TERMINAL DEVELOPMENT PROJECT COSTS

SEC. 12. (a) Section 20 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720) is amended by redesignating subsection (b) as subsection (c) and inserting immediately after subsection (a) the following new subsection:

“(b) TERMINAL DEVELOPMENT.—

“(1) Notwithstanding any other provision of this title, upon certification by the sponsor of any air carrier airport that such airport has, on the date of submittal of the project application, all the safety and security equipment required for certification of such airport under section 612 of the Federal Aviation Act of 1958, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning or deplaning from aircraft other than air carrier aircraft, the Secretary may approve, as allowable project costs of a project for airport development at such airport, terminal development (including multimodal terminal development) in nonrevenue producing public-use areas which are directly related to the movement of passengers and baggage in air commerce within the boundaries of the airport, including, but not limited to, vehicles for the movement of passengers between terminal facilities or between terminal facilities and aircraft.

“(2) Only sums apportioned under section 15(a)(3)(A) to the sponsor of an air carrier airport shall be obligated for project costs allowable under paragraph (1) of this subsection in connection with airport development at such airport, and no more than 60 per centum of such sums apportioned for any fiscal year shall be obligated for such costs.

“(3) Sums apportioned under section 15(a)(3)(A) to the sponsor of an air carrier airport at which terminal development was carried out on or after July 1, 1970, and before the date of enactment of this paragraph shall be available, subject to the limitations contained in paragraph (2) of this subsection, for the immediate retirement of the principal of bonds or other evidences of indebtedness the proceeds of which were used for that part of the terminal development at such airport the cost of which is allowable under paragraph (1) of this subsection subject to the following conditions:

“(A) That such sponsor submits the certification required under paragraph (1) of this subsection.

“(B) That the Secretary determines that no project for airport development at such airport outside the terminal area will be deferred if such sums are used for such retirement.

“(C) That no funds available for airport development under this Act shall be obligated for any project for additional terminal development at such airport for a period of three years beginning on the date any such sums are used for such retirement.

“(4) Notwithstanding section 17, the United States share of project costs allowable under paragraph (1) of this subsection shall be 50 per centum.

“(5) The Secretary shall approve project costs allowable under paragraph (1) of this subsection under such terms and conditions as may be necessary to protect the interests of the United States.”.

(b) Subsection (c) of such section 20 (as relettered by this section) is amended by striking out “The” and inserting in lieu thereof the following: “Except as provided in subsection (b) of this section, the”.

STATE DEMONSTRATION PROGRAMS

SEC. 13. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) is amended by inserting immediately after section 27 the following new section:

“SEC. 28. STATE DEMONSTRATION PROGRAMS.

“(a) DEMONSTRATION PROGRAMS.—If the Secretary determines, after review of the certification required by subsection (b) of this section, that a State is capable of managing a demonstration program for administering United States grants for general aviation airports in that State, the Secretary may make a grant for such purpose to such State of funds apportioned to it under section 15(a)(4)(A) of this Act and of any part of the discretionary funds available under section 15(a)(4)(C) of this Act. Such a grant shall be conditioned on a requirement that such State grant funds to airport sponsors in the same manner and subject to the same conditions as the Secretary imposes in making grants to such sponsors under this title.

“(b) CERTIFICATION REQUIREMENTS.—If a State wishes to manage a demonstration program for administering United States grants for general aviation airports, the Governor or the chief executive officer of such State shall certify to the Secretary, in the form and manner prescribed by the Secretary, that—

“(1) the State complies with all eligibility requirements and criteria established by this section and by the Secretary;

“(2) such State’s participation in the demonstration program has been specifically authorized by an action of such State’s legislature duly taken after the date of enactment of this section, or if such State’s legislature is not in regular session on such date and

will not meet again in regular session before January 1, 1977, such participation has been authorized by such State's Governor or chief executive officer; and

"(3) such State's legislature has authorized the appropriation of State funds for the development of general aviation airports in such State during the period for which funds are sought under this section.

"(c) **RESTRICTIONS.**—The Secretary shall not, pursuant to this section—

"(1) enter into demonstration projects in more than four States;

"(2) allow any funds granted to States to be used to pay costs incurred by the States in administering the demonstration programs;

"(3) initiate any demonstration program after January 1, 1977; and

"(4) make a grant to any State after September 30, 1978.

"(d) **REPORT.**—The Secretary shall evaluate and report to Congress, not later than March 31, 1978, on the results of any demonstration programs assisted under this section."

AIR CARRIER AIRPORT DESIGNATION AND CIVIL RIGHTS

SEC. 14. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) is amended by inserting immediately after section 28 (as added by the preceding section of this Act) the following new sections:

"SEC. 29. AIR CARRIER AIRPORT DESIGNATION.

"Notwithstanding any other provision of this title, in the case of any public airport at which (A) an air carrier was or is certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) to serve a city served through such airport, and (B) either (i) service to such city by every such certificated air carrier has been suspended as authorized by the Civil Aeronautics Board, or (ii) authority to serve such city has been deleted from the certificates of every such air carrier by the Civil Aeronautics Board after the date of enactment of this section, and (C) such airport is served by an intrastate air carrier operating in intrastate air transportation within the meaning of sections 101(22) and 101(23) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), such airport shall be deemed to be an air carrier airport (other than a commuter service airport) for the purposes of this title.

"SEC. 30. CIVIL RIGHTS.

"The Secretary shall take affirmative action to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from participating in any activity conducted with funds received from any grant made under this title. The Secretary shall promulgate such rules as he deems necessary to carry out the purposes of this section and may enforce this section, and any rules promulgated under this section, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964. The provisions of this section shall be considered to be in addition to and not in lieu of the provisions of title VI of the Civil Rights Act of 1964."

LIMITING CHARGES FOR GOVERNMENT INSPECTION OF PERSONS AND
PROPERTY

SEC. 15. (a) Section 53 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1741) is amended by adding at the end thereof the following new subsection:

“(e) The cost of any inspection or quarantine service which is required to be performed by the Federal Government or any agency thereof at airports of entry or other places of inspection as a consequence of the operation of aircraft, and which is performed during regularly established hours of service on Sundays or holidays shall be reimbursed by the owners or operators of such aircraft only to the same extent as if such service had been performed during regularly established hours of service on weekdays. Notwithstanding any other provision of law, administrative overhead costs associated with any inspection or quarantine service required to be performed by the United States Government, or any agency thereof, at airports of entry as a result of the operation of aircraft, shall not be assessed against the owners or operators thereof.”

(b) The amendment made by subsection (a) of this section shall take effect January 1, 1977.

PURCHASE REPORTS

SEC. 16. Section 303(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by striking out “Interstate and Foreign Commerce” and inserting in lieu thereof “Public Works and Transportation”.

AIRPORT SECURITY IN ALASKA

SEC. 17. (a) The Federal Aviation Act of 1958 (49 U.S.C. 1432 et seq.) is amended by adding at the end of title III thereof the following new section:

“AIRPORT SECURITY IN ALASKA

“SEC. 317. The Administrator is authorized to exempt from the provisions of sections 315 and 316 of this Act those airports in Alaska which receive service only from air carriers operating under certificates granted by the Civil Aeronautics Board under section 401 of this Act, which operate aircraft having a maximum certificated gross takeoff weight of less than 12,500 pounds, and which do not enplane any passenger, or any property intended to be carried in the aircraft cabin, which passenger or property is moving in air transportation and will not be subject to screening in accordance with such section 315 at an airport in Alaska before such passenger or property is enplaned for any point outside Alaska.”

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

“TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF
ADMINISTRATOR”

is amended by adding at the end thereof the following new sideheading:

“Sec. 317. Airport security in Alaska.”

AIR TRANSPORTATION OF PERSONS OR PROPERTY

SEC. 18. (a) Section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) is amended by adding at the end thereof the following new subsection:

“(o) (1) Except as provided in paragraph (2) of this subsection, transportation of persons or property by transport category aircraft in interstate air transportation procured by the Department of Defense, including military departments within such Department, through contracts of more than 30 days duration for airlift service within the United States, shall be provided only by carriers which (1) have aircraft in the civil reserve air fleet or offer to place aircraft in such fleet, and (2) hold certificates under this section. Applications for certification under subsection (a) of this section for the purpose of providing the service referred to in this subsection shall be acted on expeditiously by the Board.

“(2) In any case in which the Secretary of Defense determines that no air carrier certificated under subsection (a) of this section is capable of providing and willing to provide the type of service described in paragraph (1) of this subsection, he may contract with an air carrier which does not hold a certificate under this section.”

(b) That portion of the table of contents contained in the first section of such Act which appears under the side heading

“Sec. 401. Certificate of Public Convenience and Necessity.”

is amended by adding at the end thereof the following:

“(o) Air transportation of persons or property.”

ISSUANCE OF AIRPORT OPERATING CERTIFICATES

SEC. 19. (a) Section 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1432) is amended by adding at the end thereof the following new subsection:

“EXEMPTION

“(c) The Administrator may exempt any operator of an air carrier airport enplaning annually less than one-quarter of 1 percent of the total number of passengers enplaned at all air carrier airports from the requirements imposed by subsection (b) of this section relating to firefighting and rescue equipment if he finds that such requirements are, or would be, unreasonably costly, burdensome, or impractical.”

(b) That portion of the table of contents contained in the first section of such Act which appears under the side heading

“Sec. 612. Airport operating certificates.”

is amended by adding at the end thereof the following:

“(c) Exemption.”

AIRPORT STUDY

SEC. 20. The Secretary of Transportation shall conduct a study of airports in areas where land requirements, local taxes, or a low revenue return per acre may close such airports. This study, the results of which shall be reported to Congress by January 1, 1978, shall include the identification of those locations which may be converted to non-aviation uses and recommendations concerning methods for preserving those airports which in the Secretary's judgment should be preserved in the public interest.

CIVIL AVIATION INFORMATION DISTRIBUTION PROGRAM

SEC. 21. In furtherance of his mandate to promote civil aviation, the Secretary of Transportation acting through the Administrator of the Federal Aviation Administration shall take such action as he may deem necessary, within available resources, to establish a civil aviation information distribution program within each region of the Federal Aviation Administration. Such program shall be designed so as to provide State and local school administrators, college and university officials, and officers of civil and other interested organizations, upon request, with informational materials and expertise on various aspects of civil aviation.

PROHIBITION OF FLIGHT SERVICE STATION CLOSURES

SEC. 22. For the three year period beginning on the date of enactment of this Act, the Secretary of Transportation shall not close or operate by remote control any existing flight service station operated by the Federal Aviation Administration, except (A) for part-time operation by remote control during low-activity periods, and (B) for the purpose of demonstrating the quality and effectiveness of service at a consolidated flight service station facility, not more than five flight service stations, at the discretion of the Secretary, may be closed or operated by remote control from not more than one air route traffic control center. Nothing in this section shall preclude the physical separation of a combined flight service station and tower facility, the operation by remote control of the flight service station portion of a combined flight service station and tower facility from another flight service station, or the relocation of an existing flight service station at another site within the same flight service area if such flight service station continues to provide the same service to airmen without interruption.

DEMONSTRATION PROJECT

SEC. 23. (a) (1) The Secretary of Transportation is authorized to undertake demonstration projects related to ground transportation services to airports which he determines will assist the improvement of the Nation's airport and airway system, and consistent regional airport system plans funded pursuant to section 13(b) of the Airport and Airway Development Act of 1970, by improving ground access to air carrier airport terminals. He may undertake such projects independently or by grant or contract (including working agreements with other Federal departments and agencies).

(2) In determining projects to be undertaken under this subsection, the Secretary of Transportation shall give priority to those projects which (A) affect airports in areas with operating regional rapid transit systems with existing facilities within reasonable proximity to such airports, (B) include connection of the airport terminal facilities to such systems, (C) are consistent with and supportive of a regional airport system plan adopted by the planning agency for the region and submitted to the Secretary, and (D) will improve access for all persons residing or working within the region to air transport through the encouragement of an optimum balance of use of airports in the region.

(b)(1) The Secretary of Transportation is authorized to undertake a demonstration project at South Bend, Indiana, for a multimodal terminal building and facilities for the intermodal transfer of passengers and baggage between and among the interconnecting air, rail, and highway transportation routes and facilities. He may undertake such project independently or by grant or contract (including working agreements with other Federal departments and agencies).

(2) There is authorized to be appropriated to carry out this subsection not to exceed \$3,000,000.

COMPENSATION FOR REQUIRED SECURITY MEASURES IN FOREIGN AIR
TRANSPORTATION

SEC. 24. (a) The Secretary of Transportation shall compensate any air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) which requests such compensation for that portion of the amount expended by such air carrier for security screening facilities and procedures as required by section 315(a) of such Act (49 U.S.C. 1356(a)), and any regulation issued pursuant thereto, which is attributable to the screening of passengers moving in foreign air transportation. An air carrier shall have any compensation authorized to be paid it under this section reduced by the amount (if any) by which the revenue of such carrier which is attributable to the cost of security screening facilities and procedures used in intrastate, interstate, and overseas air transportation exceeds the actual cost to such carrier of such facilities. The Secretary may issue such regulations as he deems necessary to carry out the purpose of this section.

(b) The terms used in this section which are defined in the Federal Aviation Act of 1958 shall have the same meaning as such terms have in such Act.

(c) There is authorized to be appropriated out of the Airport and Airway Trust Fund to carry out this section not to exceed \$3,750,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and \$3,000,000 per fiscal year for the fiscal years 1977 and 1978.

REDUCTION OF NONESSENTIAL EXPENDITURES

SEC. 25. The Secretary of Transportation shall, in accordance with this section, attempt to reduce, to the maximum extent practicable consistent with the highest degree of aviation safety, the capital, operating, maintenance, and administrative costs of the national airport and airway system. The Secretary shall, at least annually, consult with and give due consideration to the views of users of such system on methods of reducing nonessential Federal expenditures for aviation. The Secretary shall give particular attention to any recommendations which could reduce, without any adverse effects on safety, future Federal manpower requirements and costs which are required to be recouped from charges on such users.

SPECIAL STUDIES

SEC. 26. The Secretary of Transportation shall conduct studies with respect to—

(1) the feasibility, practicability, and cost of land bank planning and development for future and existing airports, to be carried out through Federal, State, or local government action;

(2) the establishment of new major public airports in the United States, including (A) identifying potential locations, (B) evaluating such locations, and (C) investigating alternative methods of financing the land acquisition and development costs necessary for such establishment; and

(3) the feasibility, practicability, and cost of the soundproofing of schools, hospitals, and public health facilities located near airports.

The Secretary shall consult with and solicit the views of such planning agencies, airport sponsors, other public agencies, airport users, and other interested persons or groups as he deems appropriate to the conduct of such studies. The Secretary shall report to the Congress on the results of such studies, including legislative recommendations, if any, within 1 year after the date of enactment of this section.

TITLE II—RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES

AUTHORIZATION

SEC. 201. Subsection (d) of section 14 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended to read as follows:

“(d) RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS.—The Secretary is authorized to carry out under section 312(c) of the Federal Aviation Act of 1958 such demonstration projects as he determines necessary in connection with research and development activities under such section 312(c). For research, development, and demonstration projects and activities under such section 312(c), there is authorized to be appropriated from the Trust Fund the amount of \$109,350,000 for the fiscal year 1976, including the interim period beginning July 1, 1976, and ending September 30, 1976, \$85,400,000 for the fiscal year 1977, and not less than \$50,000,000 per fiscal year for fiscal years 1978 through 1980, to remain available until expended. The initial \$50,000,000 of any sums appropriated to the Trust Fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research, development, and demonstration activities.”

TITLE III—AIRPORT AND AIRWAY TRUST FUND

SEC. 301. AUTHORIZATION FOR EXPENDITURES FROM TRUST FUND.

(a) AMENDMENT OF 1970 ACT.—(1) Subparagraph (A) of section 203(f)(1) of the Airport and Airway Revenue Act of 1970 (49 U.S.C. 1742(f)(1)(A)) is amended to read as follows:

“(A) incurred under title I of this Act or of the Airport and Airway Development Act Amendments of 1976 (as such Acts were in effect on the date of the enactment of the Airport and Airway Development Act Amendments of 1976);”

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(2) Section 208(f) of such Act (49 U.S.C. 1742(f)) is amended by striking out "July 1, 1980" each time it appears and inserting in lieu thereof "October 1, 1980".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) (1) shall apply to obligations incurred on or after the date of the enactment of this Act. The amendments made by subsection (a) (2) shall be effective on the date of enactment of this Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

JULY 12, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

AIRPORT AND AIRWAY DEVELOPMENT ACT AMENDMENTS OF 1976

The President is signing into law today the Airport and Airway Development Act Amendments of 1976 (H.R. 9771) which extends through 1980 the program for improvement of the Nation's public airports and airway facilities.

BACKGROUND

In March, 1975, the President sent to Congress a bill to extend through fiscal year 1980 the programs authorized by the Airport and Airway Development Act of 1970. In addition to an extension of the basic programs, the following new initiatives were recommended:

- Extension of eligibility to projects for noise suppression, land purchase and public use terminal development, thus enhancing the flexibility of State and local officials to use Federal assistance to meet their highest priority needs.
- Simplification of the process of approving grants through use of consolidated capital development planning, to reduce Federal red tape.
- Transfer of the general aviation airport grant program to the States to improve coordination of transportation project development and to permit project decisionmaking by elected officials closer to the local scene.
- Use of Airport and Airway Trust Fund annual revenue not needed for capital improvements to finance the cost of maintaining air navigation facilities in a safe and efficient fashion, thus shifting some of the burden of total federal aviation expenditures from the general taxpayer, who has been bearing two-thirds of those expenditures, to the aviation users.
- Promotion of sound airport project planning by providing a multi-year program with the bulk of the funds distributed by a predictable formula.

H.R. 9771 does extend the important Airway and Airport development programs and incorporates many of the new policy principles recommended by the President, although not to the extent recommended in the Administration's proposals.

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HIGHLIGHTS OF H.R. 9771A. Airport Development Program

- Extends grant eligibility to noise suppression equipment and barriers, land acquisition for environmental purposes, development of public use areas in terminals, and snow removal equipment.
- Changes distribution formula to more closely relate funding to air passenger activity, but provides minimum grants to assist small airports. At least one-third of air carrier grant funds will remain as discretionary programs.
- Increases Federal share to 90% of project cost for small airports through 1978 (80% for 1979 and 1980) and 75% for large airports, throughout the life of the bill.
- Provides for four State demonstration programs designed to transfer general aviation airport grant decisionmaking from the Federal Government to State elected officials.
- Decreases complexity of grant procedures by allowing the Secretary of Transportation to accept certification that the sponsor will comply with statutory and administrative requirements. Permits approval of multi-project applications from sponsors.

B. Other Key Provisions

- Allows use of Trust Fund revenues for field maintenance of the airway capital facilities authorized by other sections of this bill.
- Continues funding for Federal Aviation Administration facilities and equipment improvements through 1980.
- Increases flexibility on determining requirements for emergency services at small airports.
- Requires studies on conversion of private airports to public use, land banking for future airports, feasibility of establishing major new airports, and soundproofing of public buildings.

C. Funding Levels

The attached contains the authorized yearly funding for the program provided by H.R. 9771.

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AIRPORT AND AIRWAY DEVELOPMENT ACT AMENDMENTS OF 1976
AIRPORT AND AIRWAY TRUST FUND

FY 1976-1980 Authorizations for Major Programs
(dollars in millions)

	<u>1976/TQ^{1/}</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Air Carrier Airport Development	435	440	465	495	525
General Aviation Airport Development	65	70	75	80	85
Facilities and Equipment Improvements	312.50	250	250	250	250
Maintenance of Air Navigation Facilities	-0-	250	275	300	325
Planning	15	15	15	15	15
R&D	<u>109.35</u>	<u>85.4</u>	<u>50^{2/}</u>	<u>50</u>	<u>50</u>
	936.85	1110.4	1130	1190	1250

1/ 1976/TQ authorizations include the period from July 1, 1975 to September 30, 1976.

2/ Amounts for 1978, 1979, 1980 are minimum authorizations.

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OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
ON SIGNING H.R. 9771
AN ACT TO AMEND THE AIRPORT AND
AIRWAY DEVELOPMENT OF 1970

THE EAST GARDEN

11:10 A.M. EDT

Secretary Coleman, distinguished Members of Congress and distinguished guests:

It is a great pleasure to participate in this signing ceremony this morning. I am signing into law the Airport and Airway Development Act of 1976, which will provide sufficient funds in the next four years to keep America on the move.

The Airport and Airway Development Act of 1976 will make possible the continuing modernization of our airways, airports and related facilities in communities throughout the 50 States. This legislation will give to the various departments increased flexibility to local authorities in the management and the development of the airport facilities and in starting to solve the airport noise problem. It will make possible thousands of jobs in aviation-related activities.

Significantly, this act will combat inflation because the funding for these airport and airway improvements will come from the users of the airways and the airport facilities -- the users of aviation. Moreover, for the first time since 1971 maintenance of the air navigation systems will be funded in part out of the Airport Trust Fund. In a sense, this is a "pay-as-you-fly" program.

Appropriately, the Airport and Airway Development Act of 1976 coincides with the 50th anniversary of scheduled transportation in the United States. Secretary of Transportation Coleman and Federal Aviation Administrator McLucas -- working closely with Members of the House and Senate and with the participation of the entire aviation community -- have brought forward a measure which will assure continued U.S. leadership in technology, efficiency and safety of air transportation.

This far-sighted and cooperative effort will assure that our country continues to benefit from the world's best aviation system, and I congratulate all the parties that had a part in this significant progress in the field of aviation. So, it is with great pleasure that I do sign this bill and again congratulate all who had a part in it.

END (AT 11:14 A.M. EDT)

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I am signing today a bill, H.R. 9771, which authorizes funds over a five-year period for the extension of the Airport Development Aid Program and for the continuation of Federal programs pertaining to the operation and improvement of the Nation's airway system. This bill, although falling short of my recommendations in several respects, will provide the basis for a number of important improvements in the operation of the airport and airway system.

First, the long-term extension of funding authorizations, while more than this Administration recommended, is funded from user taxes and will permit us to achieve substantial progress in the development of our Nation's public airports. In addition to supporting projects which will provide greater efficiency and safety in the operation of aircraft at these airports, the bill will permit the application of Federal assistance to projects which will enhance the ability of airport terminals to provide a smooth flow of traffic.

Second, the bill permits for the first time in nearly five years the use of monies in the Airport and Airway Trust Fund for defraying expenses incurred by the Department of Transportation in maintaining air navigation facilities, although it unwisely makes the amount of funds available for maintenance dependent on the amount of funds obligated for airport development purposes. This provision is most important from the standpoint of equity to the general taxpayer and I am especially pleased that the Congress agreed to its inclusion in the bill. I continue to believe that the users of the airport and airway system who derive special benefits from the system should contribute a fair share to the payment of system costs.

Third, the bill will permit us to make important progress in our efforts to shift to the State and local level governmental functions which can be carried out by State and local governments more efficiently and with greater sensitivity to the needs and desires of the people they serve. Under the amendments contained in this bill, recipients of grants for airport development will be afforded greater flexibility in managing their affairs and also will have the opportunity to take on greater responsibility with respect to carrying out the purposes of the statute.

more

H.R. 9771 also contains some undesirable provisions:

- It would shift from the airlines to the Federal government the cost of inspectional services provided to aircraft arriving in the United States on Sundays and holidays. As long as the Congress continues to mandate that the inspectors be paid at overtime rates for such work, I believe the airlines should continue to pay for the special services they receive.
- It would also unnecessarily increase the Federal share of the cost of projects at general aviation airports.

I am asking the affected agencies to determine whether corrective legislation should be submitted to the Congress on these provisions.

Despite these questionable provisions, this bill is generally consistent with the policy directions of my Administration and will help to assure an improved aviation system for all our citizens.

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