

**AMENDMENT TO H.R. 2115, AS REPORTED
OFFERED BY MR. MICA OF FLORIDA**

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

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

Page 58, after line 24, insert the following:

8 (e) ELIGIBILITY OF AIRPORT GROUND ACCESS
9 TRANSPORTATION PROJECTS.—Not later than 60 days
10 after the enactment of this Act, the Administrator of the
11 Federal Aviation Administration shall publish in the Fed-
12 eral Register the current policy of the Administration with
13 respect to the eligibility of airport ground access transpor-
14 tation projects for the use of passenger facility fees under
15 section 40117 of title 49, United States Code.

Page 61, line 17, strike “Section 41106(b) is amended” and all that follows through “following” on line 18 and insert the following:

1 Subsections (a)(1), (b), and (c) of section 41106 are each
2 amended—

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

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

Page 61, after line 20, insert the following:

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

Page 62, strike lines 4 through 6 and insert the fol-
lowing:

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

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

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

Page 63, line 14, after the period insert the fol-
lowing:

11 Commercial Special Flight Rules Area operations in
12 the Dragon and Zuni Point corridors of the Grand

1 Canyon National Park may not take place during
2 the period beginning 1 hour before sunset and end-
3 ing 1 hour after sunrise.

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

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

4 (f) COMMUTERS DEFINED.—

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

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

13 (2) REGULATIONS.—The Administrator of the
14 Federal Aviation Administration shall revise regula-
15 tions to take into account the amendment made by
16 paragraph (1).

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

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

Page 76, after line 24, insert the following:

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

3 “(e) ADJUSTMENTS TO ACCOUNT FOR SIGNIFI-
4 CANTLY INCREASED COSTS.—

5 “(1) IN GENERAL.—If the Secretary determines
6 that air carriers are experiencing significantly in-
7 creased costs in providing air service or air transpor-
8 tation under this subchapter, the Secretary may in-
9 crease the rates of compensation payable under this
10 subchapter without regard to any agreement or re-
11 quirement relating to the renegotiation of contracts
12 or any notice requirement under section 41734.

13 “(2) SIGNIFICANTLY INCREASED COSTS DE-
14 FINED.—In this subsection, the term ‘significantly
15 increased costs’ means an average monthly cost in-
16 crease of 10 percent or more.”.

Page 78, line 20, before the comma insert the fol-
lowing:

17 or requirements contained in a subsequent appropriations
18 Act

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

1 (e) EXEMPTION FROM HOLD-IN REQUIREMENTS.—

2 Section 41734 is further amended by adding at the end
3 the following:

4 “(j) EXEMPTION FROM HOLD-IN REQUIREMENTS.—

5 If, after the date of enactment of this subsection, an air
6 carrier commences air transportation to an eligible place
7 that is not receiving essential air service as a result of
8 the failure of the eligible place to meet requirements con-
9 tained in an appropriations Act, the air carrier shall not
10 be subject to the requirements of subsections (b) and (c)
11 with respect to such air transportation.”.

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

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

12 “(1) MAKE AVAILABLE.—The term ‘make avail-
13 able’ means providing at a fair and reasonable price.
14 Such price may include recurring and non-recurring
15 costs associated with post-certification development,
16 preparation, and distribution. Such price may not
17 include the initial product development costs related
18 to the issuance of a design approval.

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

1 “(3) INSTRUCTIONS FOR CONTINUED AIR-
2 WORTHINESS.—The term ‘instructions for continued
3 airworthiness’ means any information (and any
4 changes to such information) considered essential to
5 continued airworthiness that sets forth instructions
6 and requirements for performing maintenance and
7 alteration.

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

8 “(3) To determine if design approval holders
9 for aircraft, aircraft engines, and propellers that are
10 in production on the date of enactment of this sec-
11 tion and for which application for a type certificate
12 or supplemental type certificate was made before
13 January 29, 1981, should be required to make in-
14 structions for continued airworthiness or mainte-
15 nance manuals available (including any changes
16 thereto) to any person required by Federal Aviation
17 Administration rules to comply with any of the
18 terms of the instructions or manuals.

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

Page 90, after line 17, insert the following:

19 “(d) DEADLINES FOR RULEMAKING.—

1 “(1) NOTICE OF PROPOSED RULEMAKING.—

2 The Administrator shall issue a notice of proposed
3 rulemaking to carry out subsection (c) not later than
4 one year after the date of enactment of this section.

5 “(2) FINAL RULE.—The Administrator shall
6 issue a final rule with respect to subsection (c) not
7 later than one year after the final date for the sub-
8 mission of comments with respect to the proposed
9 rulemaking.

10 “(e) ENFORCEMENT OF CURRENT REGULATION.—
11 The Administrator shall review design approval holders
12 that were required to produce instructions for continued
13 airworthiness under section 21.50(b) of title 14, Code of
14 Federal Regulations. If the Administrator determines that
15 a design approval holder has not produced such instruc-
16 tions, the Administrator shall require the design approval
17 holder to prepare such instructions and make them avail-
18 able as required by this section not later than 1 year after
19 the design approval holder is notified by the Administrator
20 of the determination.

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

Page 95, before line 1, insert the following:

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

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

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

1 (b) LIMITATION.—Subsection (a) shall not apply to
2 a Federal Aviation Administration air traffic control tower
3 operated under the contract tower program on the date
4 of enactment of this Act or to any expansion of that pro-
5 gram under section 47124(b)(3) or 47124(b)(4) of title
6 49, United States Code.

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

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

Page 118, after line 13, insert the following:

7 (c) DESCRIPTION OF CHANGES TO IMPROVE OPER-
8 ATIONS.—A report transmitted by the Administrator
9 under this section shall include a description of any
10 changes in procedures or requirements that could improve
11 operational efficiency or minimize operational impacts of
12 the ADIZ on pilots and controllers. This portion of the

1 report may be transmitted in classified or unclassified
2 form.

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

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

3 **SEC. 443. CHARTER AIRLINES.**

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

6 (1) by striking "paragraph (3)" and inserting
7 "paragraphs (3) and (4)";

8 (2) by inserting a comma after "regularly
9 scheduled charter air transportation"; and

10 (3) by striking "flight unless such air transpor-
11 tation" and all that follows through the period at
12 the end and inserting the following: "flight, to or
13 from an airport that—

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

18 "(B) has an airport operating certificate
19 issued under part 139 of title 14, Code of Fed-
20 eral Regulations (or any subsequent similar reg-
21 ulation) if the airport—

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

5 “(ii) is located within 20 nautical
6 miles (22 statute miles) of 3 or more air-
7 ports that annually account for at least 1
8 percent of the total United States pas-
9 senger enplanements and at least 2 of
10 which are operated by the sponsor of the
11 reliever airport.”.

12 (b) WAIVERS.—Section 41104(b) is amended by add-
13 ing at the end the following:

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

18 **SEC. 444. IMPLEMENTATION OF CHAPTER 4 NOISE STAND-**
19 **ARDS.**

20 Not later than July 1, 2004, the Secretary of Trans-
21 portation shall issue regulations to implement Chapter 4
22 noise standards, consistent with the recommendations
23 adopted by the International Civil Aviation Organization.

24 **SEC. 445. CREW TRAINING.**

25 Section 44918 is amended to read as follows:

1 **“§ 44918. Crew training**

2 “(a) BASIC SECURITY TRAINING.—

3 “(1) IN GENERAL.—Each air carrier providing
4 scheduled passenger air transportation shall carry
5 out a training program for flight and cabin crew
6 members to prepare the crew members for potential
7 threat conditions.

8 “(2) PROGRAM ELEMENTS.—An air carrier
9 training program under this subsection shall include,
10 at a minimum, elements that address each of the fol-
11 lowing:

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

14 “(B) Crew communication and coordina-
15 tion.

16 “(C) The proper commands to give pas-
17 sengers and attackers.

18 “(D) Appropriate responses to defend one-
19 self.

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

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

3 “(G) Situational training exercises regard-
4 ing various threat conditions.

5 “(H) Flight deck procedures or aircraft
6 maneuvers to defend the aircraft and cabin
7 crew responses to such procedures and maneu-
8 vers.

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

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

12 “(3) APPROVAL.—An air carrier training pro-
13 gram under this subsection shall be subject to ap-
14 proval by the Under Secretary.

15 “(4) MINIMUM STANDARDS.—Not later than
16 one year after the date of enactment of the Flight
17 100—Century of Aviation Reauthorization Act, the
18 Under Secretary shall establish minimum standards
19 for the training provided under this subsection and
20 for recurrent training.

21 “(5) EXISTING PROGRAMS.—Notwithstanding
22 paragraph (3), any training program of an air car-
23 rier to prepare flight and cabin crew members for
24 potential threat conditions that was approved by the
25 Administrator or the Under Secretary before the

1 date of enactment of the Flight 100—Century of
2 Aviation Reauthorization Act may continue in effect
3 until disapproved or ordered modified by the Under
4 Secretary.

5 “(6) MONITORING.—The Under Secretary, in
6 consultation with the Administrator, shall monitor
7 air carrier training programs under this subsection
8 and periodically shall review an air carrier’s training
9 program to ensure that the program is adequately
10 preparing crew members for potential threat condi-
11 tions. In determining when an air carrier’s training
12 program should be reviewed under this paragraph,
13 the Under Secretary shall consider complaints from
14 crew members. The Under Secretary shall ensure
15 that employees responsible for monitoring the train-
16 ing programs have the necessary resources and
17 knowledge.

18 “(7) UPDATES.—The Under Secretary, in con-
19 sultation with the Administrator, shall order air car-
20 riers to modify training programs under this sub-
21 section to reflect new or different security threats.

22 “(b) ADVANCED SELF DEFENSE TRAINING.—

23 “(1) IN GENERAL.—Not later than one year
24 after the date of enactment of the Flight 100—Cen-
25 tury of Aviation Reauthorization Act, the Under

1 Secretary shall develop and provide a voluntary
2 training program for flight and cabin crew members
3 of air carriers providing scheduled passenger air
4 transportation.

5 “(2) PROGRAM ELEMENTS.—The training pro-
6 gram under this subsection shall include both class-
7 room and effective hands-on training in the following
8 elements of self-defense:

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

11 “(B) Advanced control, striking, and re-
12 straint techniques.

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

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

17 “(E) Use of available items aboard the air-
18 craft for self-defense.

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

22 “(G) Explosive device recognition.

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

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

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

8 “(5) FEES.—A crew member shall not be re-
9 quired to pay a fee for the training program under
10 this subsection.

11 “(6) CONSULTATION.—In developing the train-
12 ing program under this subsection, the Under Sec-
13 retary shall consult with law enforcement personnel
14 and security experts who have expertise in self-de-
15 fense training, terrorism experts, representatives of
16 air carriers, the director of self-defense training in
17 the Federal Air Marshals Service, flight attendants,
18 labor organizations representing flight attendants,
19 and educational institutions offering law enforce-
20 ment training programs.

21 “(7) DESIGNATION OF TSA OFFICIAL.—The
22 Under Secretary shall designate an official in the
23 Transportation Security Administration to be re-
24 sponsible for implementing the training program
25 under this subsection. The official shall consult with

1 air carriers and labor organizations representing
2 crew members before implementing the program to
3 ensure that it is appropriate for situations that may
4 arise on board an aircraft during a flight.

5 “(c) LIMITATION.—Actions by crew members under
6 this section shall be subject to the provisions of section
7 44903(k).”.

8 **SEC. 446. REVIEW OF COMPENSATION CRITERIA.**

9 Not later than 6 months after the date of enactment
10 of this Act, the Comptroller General shall review the cri-
11 teria used by the Air Transportation Stabilization Board
12 to compensate air carriers following the terrorist attack
13 of September 11, 2001, with a particular focus on whether
14 it is appropriate to compensate air carriers for the de-
15 crease in value of their aircraft after September 11th.

16 **SEC. 447. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN**
17 **ALASKA.**

18 Not later than 6 months after the date of enactment
19 of this Act, the Administrator of the Federal Aviation Ad-
20 ministration shall report to Congress on whether, in light
21 of the demands of business within Alaska, it would be ap-
22 propriate to permit an aircraft to be operated under part
23 91 of title 14, Code of Federal Regulations, where com-
24 mon carriage is not involved but (1) the operator of the
25 aircraft organizes an entity where the only purpose of such

1 entity is to provide transportation by air of persons and
2 property to related business entities, individuals, and em-
3 ployees of such entities, and (2) the charge for such trans-
4 portation does not to exceed the cost of owning, operating,
5 and maintaining the aircraft.

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

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

6 Section 47107(c)(2)(A)(iii) is amended by inserting
7 before the semicolon at the end the following: “, including
8 the purchase of nonresidential buildings or property in the
9 vicinity of residential buildings or property previously pur-
10 chased by the airport as part of a noise compatibility pro-
11 gram”.

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

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

12 (a) PERIOD OF AVAILABILITY.—Section 47117(b) is
13 amended by striking “primary airport” and all that fol-
14 lows through “calendar year” and inserting “nonhub air-

1 port or any airport that is not a commercial service air-
2 port”.

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

Page 133, after line 15, insert the following:

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

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

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

8 (2) by adding at the end the following:

9 “(2) REIMBURSEMENT.—Upon approval of the
10 Secretary, the sponsor of a current or former mili-
11 tary airport the Secretary designates under this sec-
12 tion may use an amount apportioned under section
13 47114, or made available under section 47119(b), to
14 the airport for reimbursement of costs incurred by
15 the airport in fiscal years 2003 and 2004 for con-
16 struction, improvement, or repair described in para-
17 graph (1).”.

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

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

1 A project using an innovative financing technique de-
2 scribed in subsection (c)(2)(A) or (c)(2)(B) shall be lo-
3 cated at an airport that is not a medium or large hub
4 airport. A project using the innovative financing technique
5 described in subsection (c)(2)(C) shall be located at an air-
6 port that is a medium or large hub airport.

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

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

Page 139, after line 5, insert the following:

7 (3) in subparagraph (A) (as so redesignated) by
8 striking “and” at the end;
9 (4) in subparagraph (B) (as so redesignated) by
10 striking the period at the end and inserting “; and”;
11 and
12 (5) by adding at the end the following:
13 “(C) payment of interest on indebtedness
14 incurred to carry out a project for airport devel-
15 opment.”.

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

1 **SEC. 525. INTERMODAL PLANNING.**

2 Section 47106(c)(1)(A) is amended—

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

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

5 and

6 (3) by adding at the end the following:

7 “(iii) with respect to an airport develop-
8 ment project involving the location of an airport
9 or runway or major runway extension at a me-
10 dium or large hub airport, the airport sponsor
11 has made available to and has provided upon
12 request to the metropolitan planning organiza-
13 tion in the area in which the airport is located,
14 if any, a copy of the proposed amendment to
15 the airport layout plan to depict the project and
16 a copy of any airport master plan in which the
17 project is described or depicted;”.

18 **SEC. 526. STATUS REVIEW OF MARSHALL ISLANDS AIR-**
19 **PORT.**

20 Not later than 6 months after the date of enactment
21 of this Act, the Secretary of Transportation shall review
22 the status of the airport on the Marshall Islands and re-
23 port to Congress on whether it is appropriate and nec-
24 essary for that airport to receive grants under the airport
25 improvement program.