



Legislative Bulletin March 31, 2011

Contents:

Amendments to H.R. 658 – FAA Reauthorization and Reform Act of 2011

H.R. 658 is scheduled to be considered on Thursday, March 31, 2011, under a structured rule and waives all points of order against consideration of the bill. The rule provides one hour of general debate with 40 minutes equally divided and controlled by the chair and ranking member of the Committee on Transportation and Infrastructure, 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. Lastly, the rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that each amendment may be offered only in the order printed in the report, and may be offered only by a Member designated in the report. It waives all points of order against the amendments printed in the report, and provides one motion to recommit with or without instructions.

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AMENDMENTS MADE IN ORDER

(#1) MANAGER’S AMENDMENT

Rep. Mica (R-FL) – The amendment will make a number of corrections to provisions in the bill including:

- those related to residential through-the-fence agreements between airports and their neighbors,
- NextGen automatic dependent surveillance-broadcast (ADS-B) technology readiness verification,
- aircraft noise requirements,
- civil and public unmanned aircraft systems,
- the ability of passengers to carry musical instruments aboard aircraft,
- Federal Aviation Administration (FAA) access to criminal records databases and FAA facilities and services consolidation.

It strikes a provision requiring the FAA to conduct a study on flight attendant fatigue and postpones the date by two years, to 2016, at which the FAA would

prohibit the use civil subsonic jets weighing 75,000 pounds or less unless they comply with "stage 3" noise levels. The amendment requires the Transportation Department to issue guidance on public unmanned aircraft systems to expedite the certificate authorization process and allow for their expanded access in the national airspace system.

It also includes new provisions regarding public-private partnerships to advance NextGen, the European Union Emissions Trading Scheme, the regulation of aircraft transportation of lithium batteries, the use of mineral revenue at certain airports, a review of airports' ability to respond to catastrophic flooding, and an extension of the FAA's commercial space regulation authority. The amendment provides subpoena protections for voluntary safety data submissions, liability protections for individuals implementing safety management systems, liability protections for volunteer pilot organizations, privacy protections for noncommercial flights and private aircraft owners.

- (#2) **Rep. Waters (D-CA)** - The amendment will require airport operators, as a condition for receiving grants under the Airport Improvement Program (AIP), to consult with representatives of the community surrounding the airport regarding airport operations and their impact on the community. Affected groups would include residents who are affected by airport noise and any organization with at least 20 members living within 10 miles of the airport that notifies the airport operator of its desire to be consulted.
- (#3) **Del. Pierluisi (D-PR)** - The amendment directs the Transportation Department to apportion amounts from the Airport Improvement Program (AIP) to airports in Puerto Rico. It provides that airports in Puerto Rico would also remain eligible for discretionary grants under the program.
- (#4) **Rep. Hirono (D-HI)** - The amendment exempts Hawaii's large-and medium-hub airports from collecting passenger facility charges from interisland travelers due to the unique everyday travel circumstances the island state presents. It also would change the formula under which Hawaii's annual federal apportionments are reduced when the state's large-and medium-hub airports collect passenger facility charges by taking into account the percentage of interisland travelers who would not be paying the charges.
- (#5) **Rep. Neugebauer (R-TX)** - The amendment directs the Federal Aviation Administration (FAA) to conduct a feasibility study on the development of an online public resource that would list the location and height of potential low-altitude aviation obstructions, such as guy-wire and free-standing towers. It would give the FAA one year to conduct the study and report to Congress.
- (#6) **Rep. Lobiondo (R-NJ)** - The amendment allows the Federal Aviation Administration (FAA) to assist in establishing a NextGen Research and Development Center of Excellence. The center would leverage the FAA's existing

Centers of Excellence program that relies on several university consortia to address ongoing FAA research and development challenges. The center would provide educational, technical and analytical assistance to the FAA and other agencies involved in the development of NextGen.

- (#7) **Reps. Garrett (R-NJ), Himes (D-CT), Andrews (D-NJ), and Engel (D-NY)** - The amendment requires the Federal Aviation Administration (FAA) to study alternatives to the New York/New Jersey/Philadelphia airspace redesign to reduce delays at the four airports included in the redesign. The study would cover the effect of the overscheduling of flights by air carriers on flight delays and whether altering the size of aircraft used by air carriers would reduce flight delays. The amendment also would prohibit the FAA from continuing with the implementation of the airspace redesign until the study is submitted to Congress.
- (#8) **Rep. Filner (D-CA)** - The amendment restricts the carriage of primary, non-rechargeable lithium-metal batteries and cells on cargo aircraft until safe packaging materials are available and proven to contain a fire and until the cargo aircraft is equipped with an effective fire suppression system. It would require cargo aircraft be equipped with smoke suppression systems that maintain cockpit visibility sufficient to allow the pilots to see basic flight instruments and the outside environment at all times during emergencies when dense, continuous smoke is in the cockpit. **Conservatives may be concerned that this amendment places an unjust mandate on the private sector.**
- (#9) **Rep. Defazio (D-OR)** - The amendment requires mechanics at contract repair stations certificated by the Federal Aviation Administration (FAA) in the United States and in foreign countries to undergo the same criminal background checks required for mechanics and other aviation employees at U.S. airports.
- (#10) **Rep. Hirono (D-HI)** - The amendment establishes an Aviation Rulemaking Committee to study and provide regulatory recommendations to the Federal Aviation Administration (FAA) to ensure that all certified aircraft are properly equipped with technology that maintains pilot visibility when dense, continuous smoke is present in the cockpit. The committee would be directed to complete its work in one year and provide its recommendations to the FAA, which would inform Congress of the recommendations and outline what actions the agency would take on the basis of those recommendations.
- (#11) **Rep. Jackson Lee (D-TX)** - The amendment requires a minimum of three on-duty air traffic controllers at all times during airfield operations at the nation's 20 largest airports.
- (#12) **Rep. Miller (R-MI)** - The amendment directs the Federal Aviation Administration (FAA) to work with various federal agencies to integrate unmanned aerial systems into the National Airspace System more expeditiously.

- (#13) **Rep. Woodall (R-GA)** - The amendment to prohibit implementation by the Federal Aviation Administration (FAA) of a new rule interpretation relating to air ambulances and air cargo charter pilot flight time and rest requirements, as published in the Federal Register on Dec. 23, 2010. It sets the interpretation of those sections at the state they were on Jan. 1, 2011.
- (#14) **Del. Pierluisi (D-PR)** - The amendment authorizes the Transportation Department to continue the Essential Air Service (EAS) program in Puerto Rico following the sunset date of Oct. 1, 2013. The bill authorizes continuation of EAS for Alaska and Hawaii.
- (#15) **Rep. Schweikert (R-AZ)** - The amendment allows airlines currently operating out of Ronald Reagan Washington National Airport to convert flights to and from large-hub airports located within the Reagan airport perimeter to any airport outside of the perimeter.
- (#16) **Rep. Richardson (D-CA)** - The amendment requires air carriers to provide an option for passengers to receive a notification via electronic service, such as text message or email, if there are any changes to the status of their flight.
- (#17) **Rep. Capuano (D-MA)** - The amendment requires greater disclosure of a passenger's baggage fees when a fare is quoted to an airline passenger and to require refunds within 60 days for baggage that is lost, damaged, or delayed. The Transportation Department would prescribe any requirements necessary to implement the baggage fee disclosures by ensuring that necessary information is shared between carriers and ticket agents that have an already existing agency appointment or contract.
- (#18) **Reps. Gingrey (R-GA) and Rokita (R-IN)** - The amendment prohibits FAA employees from using official, taxpayer-sponsored time for union activities during the official work day. It would not repeal the right of any FAA employee to collectively bargain or arbitrate.
- (#19) **Reps. Graves (R-MO)** - The amendment prohibits taxes on businesses located at an airport when such revenue is not used for airport purposes.
- (#20) **Rep. Sessions (R-TX)** - The amendment prevents any funds from this act to be used to administer or enforce Davis-Bacon prevailing wage requirements.
- (#21) **Reps. Latourette (R-OH) and Costello (D-IL)** - The amendment strikes section 903, which repeals a National Mediation Board rule finalized last year, that provides for union representation elections among airline and railroad workers covered by the Railway Labor Act.

- (#22) **Rep. Graves (R-Mo)** - The amendment provides relief for an air show at Burke Lakefront Airport in Cleveland, Ohio, from complying with certain airspace restrictions.
- (#23) **Rep. Waxman (D-CA)** - The amendment encourages the Federal Aviation Administration (FAA) to work with the City of Santa Monica to achieve safety improvements at Santa Monica Airport, a general aviation facility that has no runway safety areas.
- (#24) **Rep. Shuster (R-PA)** - The amendment requires the FAA to recognize that the U.S. aviation industry is composed of a variety of different segments with different operating characteristics by requiring the FAA to tailor regulations to address the unique characteristics of each industry segment. It also requires the FAA to conduct appropriate cost-benefit studies on all proposed regulations and only enact regulations upon a finding that the costs are justified by the benefits.
- (#25) **Rep. Moore (D-WI)** - The amendment requires the Transportation Department Inspector General to report to Congress on additional small business concerns, including those owned by veterans and other disadvantaged groups that participate in the projects carried out throughout the duration of the reauthorization bill. The report would list the top 25 and bottom 25 large-and medium-hub airports using those businesses, assess the reasons why airports have been successful in using those businesses and make recommendations to the FAA and Congress on how those successes can be replicated.
- (#26) **Rep. Graves (R-MO)** - The amendment prohibits the Federal Aviation Administration (FAA) from destroying vintage aircraft certificate data and requires data to be made available to the public, for non-commercial purposes, if a Freedom of Information Act (FOIA) Request is made.
- (#27) **Rep. Pearce (R-NM)** - The amendment authorizes an equitable transfer of land and property, in the form of a road, between Dona Ana County in New Mexico and Verde Corporate Realty Services. Dona Ana County would continue to use the land for airport purposes.
- (#28) **Rep. Rothman (D-NJ)** - The amendment prohibits the Federal Aviation Administration (FAA) from influencing weight restrictions or prior permission rules at the airport, except in an emergency.
- (#29) **Reps. Schiff (D-CA), Sherman (D-CA), and Berman (D-CA)** - The amendment allows Bob Hope and Van Nuys Airports in southern California to adopt curfews from 10 p.m. to 7 a.m., to reduce air traffic noise for residents of the San Fernando Valley. It simplifies the process for these airports to implement a curfew by allowing airports that already had at least a partial curfew in effect before the 1990 Airport Noise and Capacity Act (PL 101-58) to implement mandatory nighttime curfews.

- (#30) **Reps. Matheson (D-UT) and Pearce (R-NM)** - The amendment allows the Transportation Department to release any terms, conditions, reservations, or restrictions on deeds which the United States conveyed to an airport, city, county property for airport purposes, as long as the release results in furthering other airport purposes.
- (#31) **Rep. Waters (D-CA)** - The amendment includes a sense of Congress that the operator of Los Angeles International Airport (LAX) should consult with representatives of the community surrounding LAX regarding airport operations and expansion plans.
- (#32) **Rep. Moore (D-WI)** - The amendment gives the Federal Aviation Administration (FAA) the authority to conduct demonstration projects at five airports in support of "aerotropolis" zones. The purpose of an "aerotropolis" is to assist in coordinating transportation around airports and funding of projects to reduce congestion and increase the flow of freight and passengers to and through the airport through multiple transportation modes.
- (#33) **Rep. Crowley (D-NY)** - The amendment encourages the Port Authority of New York and New Jersey and the Philadelphia International Airport to undertake a noise compatibility study of the airport and airport-related noise emanating from the airports under their jurisdiction on the surrounding communities.