

112th Congress

1st Session

## H. Res. \_\_

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### H.R. 658 - FAA Reauthorization and Reform Act of 2011

1. Structured rule.
2. Provides one hour of general debate with 40 minutes equally divided and controlled by the chair and ranking minority 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.
3. Waives all points of order against consideration of the bill.
4. Provides that in lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated March 22, 2011. The amendment in the nature of a substitute shall be considered as read.
5. Waives all points of order against the amendment in the nature of a substitute.
6. Makes in order only those amendments printed in the Rules Committee report accompanying the resolution. Provides that each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.
7. Waives all points of order against the amendments printed in the report.
8. Provides one motion to recommit with or without instructions.

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## RESOLUTION

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority 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. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated March 22, 2011. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

## SUMMARY OF AMENDMENTS PROPOSED TO BE MADE IN ORDER

(summaries derived from information provided by sponsors)

<b>Sponsor</b>	<b># Description</b>	<b>Debate Time</b>
<b>1. Mica (FL)</b>	<b>#46 (REVISED)</b> Would make technical corrections to provisions in the underlying bill, including those related to Residential Through-the-Fence Agreements, ADS-B Readiness Verification, Stage II aircraft noise requirements, Unmanned Aircraft Systems, musical instruments aboard aircraft, and FAA access to criminal records databases. The Amendment also contains provisions regarding public-private partnerships to advance NextGen, protections for voluntary safety data submissions, the European Union Emissions Trading Scheme, the regulation of lithium batteries, agreements at airports for new revenue, liability protections for volunteer pilot organizations, privacy protections for airspace users, FAA contract evaluation considerations, a review of airports' ability to respond to catastrophic flooding, and an extension of the FAA's commercial space regulation authority.	(10 minutes)
<b>2. Waters (CA)</b>	<b>#34</b> Would require airport operators, as a condition for receiving grants under the Airport Improvement Program, to consult with representatives of the community surrounding the airport regarding airport operations and their impact on the community.	(10 minutes)
<b>3. Pierluisi (PR)</b>	<b>#39</b> Would ensure that airports in Puerto Rico are apportioned amounts under the Airport Improvement Program (AIP), while also remaining eligible for discretionary grants under the Program.	(10 minutes)
<b>4. Hirono (HI)</b>	<b>#28</b> Would exempt Hawaii's large and medium hub airports from collecting PFCs from interisland travelers due to the unique everyday travel circumstances the island state presents. Would also 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 from overseas travelers.	(10 minutes)

- 5. Neugebauer (TX)** #14 **(REVISED)** Would direct the Administrator of the Federal Aviation Administration 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. Would also give the Administrator one year to conduct the study and report to Congress. (10 minutes)
- 6. LoBiondo (NJ)** #37 Would allow the 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, a 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. (10 minutes)
- 7. Garrett (NJ), Himes (CT), Andrews (NJ), Engel (NY)** #38 Would require the FAA to study alternatives to the New York/New Jersey/Philadelphia airspace redesign to reduce delays at the 4 airports included in the redesign. Would also prohibit the FAA from continuing with the implementation of the airspace redesign until the study is submitted to Congress. (10 minutes)
- 8. Filner (CA)** #18 Would restrict 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 the cargo aircraft is equipped with an effective fire suppression system. The amendment will also 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. (10 minutes)
- 9. DeFazio (OR)** #24 Would require mechanics at contract repair stations certificated by the Federal Aviation Administration in the U.S. and in foreign countries to undergo the same criminal background checks required for mechanics and other aviation employees at U.S. airports. (10 minutes)
- 10. Hirono (HI)** #27 Would establish an Aviation Rulemaking Committee (ARC) to study and provide regulatory recommendations to the Federal Aviation Administrator to ensure that all (10 minutes)

certified aircraft is properly equipped with technology that maintains pilot visibility when dense, continuous smoke is present in the cockpit. The ARC would be directed to complete its work in one year and provide its recommendations to the Administrator who must inform Congress of the recommendations and outline what actions the agency will take on the basis of those recommendations.

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| <b>11. Jackson Lee<br/>(TX)</b>     | #48 Would require a minimum of three on duty air traffic controllers.  | (10 minutes) |
| <b>12. Miller,<br/>Candice (MI)</b> | #47 Would direct the FAA to work with various federal agencies to integrate Unmanned Aerial Systems into the National Airspace System more expeditiously.  | (10 minutes) |
| <b>13. Woodall<br/>(GA)</b>         | #42 Would prohibit implementation by the FAA of a new rule interpretation relating to 14 CFR 135, sections 263 and 267(d) so far as it relates to air ambulances and air cargo charter pilot rest requirements. Sets the interpretation of those sections at the state they were on January 1, 2011.   | (10 minutes) |
| <b>14. Pierluisi<br/>(PR)</b>       | #20 Would authorize the Secretary of Transportation to continue the essential air service program in Puerto Rico following the sunset date of October 1, 2013. The bill authorizes continuation for Alaska and Hawaii.   | (10 minutes) |
| <b>15. Schweikert<br/>(AZ)</b>      | #4 Would allow airlines currently operating out of DCA to convert flights to and from large hub airports located within the DCA perimeter to any airport outside of the DCA perimeter.   | (10 minutes) |
| <b>16. Richardson<br/>(CA)</b>      | #22 Would require air carriers to provide an option for passengers to receive a notification via electronic service if there are any changes to the status of their flight.  | (10 minutes) |
| <b>17. Capuano<br/>(MA)</b>         | #8 Would require greater disclosure of a passenger's baggage fees when a fare is quoted to an airline passenger and require refunds for baggage that is lost, damaged, or delayed. The Secretary of Transportation 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. | (10 minutes) |

- 18. Gingrey (GA), Rokita (IN)** #29 Would prohibit 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. (10 minutes)
- 19. Graves (MO)** #33 **(REVISED)** Clarifies Congressional intent of 49 U.S.C. 40116(d)(2)(A)(iv) to prohibit taxes on businesses located at an airport when such revenue is not used for airport purposes. (10 minutes)
- 20. Sessions (TX)** #41 Would prevent any funds from this act to be used to administer or enforce Davis Bacon. (10 minutes)
- 21. LaTourette (OH), Costello (IL)** #3 Would strike section 903. Section 903 repeals a National Mediation Board (NMB) rule, finalized last year, which provides for union representation elections among airline and railroad workers covered by the Railway Labor Act. (10 minutes)
- 22. Graves (MO)** #1 **(REVISED)** Provides relief for an air show in Cleveland, Ohio from complying with certain airspace restrictions. (10 minutes)
- 23. Waxman (CA)** #2 Would encourage the 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. (10 minutes)
- 24. Shuster (PA)** #6 Would improve Federal Aviation Administration (FAA) rulemaking activities by requiring the Agency to recognize that the United States aviation industry is composed of a variety of different segments with different operating characteristics and requiring the FAA to tailor regulations to address the unique characteristics of each industry segment. The amendment 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. (10 minutes)
- 25. Moore, Gwen (WI)** #11 Would require the Inspector General of the Department of Transportation to report to Congress on the number of new small business concerns, including those owned by veterans and other disadvantaged groups, that participate in the projects carried out throughout the duration of this reauthorization. The report would list the top 25 and bottom 25 large and medium hub airports using such small businesses, assess the reasons why airports have been (10 minutes)

successful in using such small businesses, and make recommendations to the FAA and Congress on how those successes can be replicated.

- 26. Graves (MO)** #12 Would prohibit the Federal Aviation Administration from destroying vintage aircraft type certificate data and would require such data to be made available to the public, for non-commercial purposes, upon a Freedom of Information Act Request. (10 minutes)
- 27. Pearce (NM)** #13 Would authorize an equitable transfer of land and property (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. (10 minutes)
- 28. Rothman (NJ)** #17 Would ensure local control of weight restrictions that have been in place since 1967 at Teterboro Airport, located in Teterboro, New Jersey. (10 minutes)
- 29. Schiff (CA), Sherman (CA), Berman (CA)** #19 Would allow airports that meet specific requirements – already had at least a partial curfew in effect before the 1990 Airport Noise and Control Act (ANCA) – to implement mandatory nighttime curfews. Would define a nighttime curfew (10 PM to 7 AM), establishes the process for implementing and administering the curfew and is not intended to open the door to any further exemptions from ANCA. (10 minutes)
- 30. Matheson (UT), Pearce (NM)** #21 **(REVISED)** Would allow the Secretary of Transportation 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. (10 minutes)
- 31. Waters (CA)** #32 Would include Sense of Congress language that the operator of Los Angeles International Airport (LAX) should consult with representatives of the community surrounding LAX regarding LAX operations and expansion plans. (10 minutes)
- 32. Moore, Gwen (WI)** #36 Would give the FAA administrator the authority to conduct demonstration projects in support of “aerotropolis” zones that assist in better coordinating transportation around airports and funding of projects to (10 minutes)

reduce congestion, improve, and increase the flow of freight and passengers to and through the airport through multiple transportation modes.

**33. Crowley  
(NY)**

**#44** Would encourage the Port authority of New York and New Jersey and the Philadelphia International Airport to undertake a part 150 noise compatibility study of the airport and airport-related noise emanating from the airports under their jurisdiction on the surrounding communities.

(10 minutes)