United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, MARCH 31, 2011 *No. 45*

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. FOXX).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 31, 2011.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE ATTACK ON LIBYA

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, when the President ordered the attack on Libya without congressional authorization, he crossed a very bright constitutional line that he, himself, recognized in 2007 when he told the Boston Globe, ''The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation.''

The reason the American Founders reserved the question of war to the Congress was that they wanted to assure that so momentous a decision could not be made by a single individual. They had watched European kings plunge their nations into bloody and debilitating wars over centuries, and they wanted to avoid that terrible fate for the American Republic.

The most fatal and consequential decision a Nation can make is to go to war, and the American Founders wanted that decision made by all the representatives of the people after careful deliberation. Only when Congress has made that fateful decision does it fall to the President as Commander in Chief to command our Armed Forces in that war.

The authors of the Constitution were explicit on this point. In Federalist 69, Alexander Hamilton drew a sharp distinction between the American President's authority as Commander in Chief, which he said ''would amount to nothing more than the supreme command and direction of the military and naval forces'' and that of the British king who could actually declare war.

To contend that the President has the legal authority to commit an act of war without congressional approval requires ignoring every word the Constitution's authors said on this subject—and they said quite a lot.

There seems to be a widespread misconception that under the War Powers Act the President may order any attack on any country he wants for 60 days without congressional approval. That is completely false.

The War Powers Act is clear and unambiguous: The President may only order our Armed Forces into hostilities under three very specific conditions. Quoting directly from the act: ''One, a declaration of war; two, specific statutory authorization; or, three, a national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces.''

Only if one of these conditions is present can the President then invoke the War Powers Act. None are present, none are alleged to have been present, and, thus, the President is in direct violation of that act.

The United Nations Participation Act requires specific congressional authorization before American forces are ordered into hostilities in United Nations actions. The North Atlantic Treaty clearly requires troops under NATO command to be deployed in accordance with their own country's constitutional provisions. The War Powers Act specifically forbids inferring from any treaty the power to order American forces into hostilities without specific congressional authorization.

The only conclusion we can make is that this was an illegal and unconstitutional act of the highest significance.

The President has implied that he didn't have the time for congressional authorization to avert a humanitarian disaster in Libya. Well, he had plenty of time to get a resolution from the United Nations, and I would remind him that just a day after the unprovoked bombing of Pearl Harbor, Franklin Roosevelt appeared in this very Chamber to request and receive congressional authorization.

Some have said that the President can do whatever he wishes and that Congress' authority is limited to cutting off funds. The war is not a one-sided act that can be turned on and off with congressional funding. Once any Nation commits an act of war against another, from that moment on it is at war. It is inextricably embroiled and entangled with an aggrieved and belligerent party that has casus belli to prosecute hostilities regardless of what Congress then decides.

Finally, I've heard it said, well, we did the same thing in Kosovo. If that is the case, then shame on the Congress that tolerated it, and shame on us if we allow this act to stand unchallenged any longer.

This matter strikes at the heart of our Constitution. If this act is allowed to stand, it will fundamentally change the entire character of the legislative and executive functions on the most momentous decision that any Nation can make. It will take us down a dark and bloody road that the American Founders fought so hard to avoid.

THE BUDGET CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Vermont (Mr. WELCH) for 5 minutes.

Mr. WELCH. Madam Speaker, today, I intend to use my 5 minutes to talk about the budget crisis that is before Congress. We have to make a decision whether to continue the operations of government. That's the debate that is now under way with the continuing resolution, and we soon face the question of whether or not Congress will extend the debt limit.

Now, let me start by acknowledging the obvious. America has to get its fiscal house in order. How we got here is debated, but certain things are indisputable. We have two wars that have been paid for on the credit card. We had tax cuts that went to the high-income Americans that are on the credit card. We recently extended them at the cost of $700 billion to the deficit. We had irresponsible behavior on the part of Wall Street that required rescuing the financial system in America so that Main Street could fight and survive another day. And then that led to a collapse in the economy and 10 percent unemployment that required governmental action in order to try the stabilize the economy. We have a long way to go in restoring the economy, but that has to be our first mission.

The Republican proposal on how to address this budget in these continuing resolutions will fail. The reason it will fail is because it fails to do what must obviously be done if we're going to have long-term fiscal stability, and that is put everything on the table. The cuts that are proposed by the Republican majority, unwise as they are, cannot do the job.

The total focus of the Republican effort in its budget plan to restore fiscal balance is to attack 12½ percent of the budget, the non-defense discretionary portion of the budget. It happens to be programs that are benefiting Americans in many cases, but leaving aside the debate about whether we should cut low-income heating assistance for the most vulnerable Americans or cut Pell scholarships that allow aspiring young people to enter the middle class, we could cut the entire non-defense discretionary portion of the budget and we could continue to have an annual deficit of $1 trillion.

So, if we're going to get to budget balance and fiscal stability, which we can do, we have to put everything on the table, and that means tax expenditures. The tax breaks that have been written into the Tax Code over the years by Republicans and Democrats alike actually cost taxpayers more than the entire appropriations budget, and many of us are asking the question: Why is it that we are going to be continuing $5 billion in tax breaks to very profitable oil companies when oil is now selling at $106 a barrel? Why are we allowing that but at the same time cutting low-income heating assistance and turning down the thermostat of cold Vermonters and cold Americans?

□ 1010

Why is it that hedge fund millionaires and billionaires literally pay a lower tax rate than their chauffeurs, their drivers, their cooks, their secretaries?

We have got to put tax expenditures on the table. We have to put the defense budget on the table. How is it that America is spending over $700 billion a year? How is it that we are putting two wars on the credit card and not facing the fiscal responsibility to tell Americans how we are going to pay for that but are simply putting that burden on generations of Americans that will come after us?

We have to reform health care. The first act of this Congress was to repeal the health care bill. And debate as we might about what's the best way forward on health care, no one can dispute that our first goal has to be to bring down the cost of health care; because whatever kind of system we have, if the cost is increasing two and three and four times the rate of inflation, job growth, and profits, it's not sustainable. And the health care bill that has been repealed by this Congress, this House of Representatives, that is going to add over $200 billion to the deficit over 10 years.

So we have to put everything on the table. That's defense. That's tax expenditures. That's entitlements and how we can reform them so we can maintain benefits, not slash benefits. And Democrats have to be willing to come to the table on the traditional line items in the appropriations bill where we have to kick the tires and find ways to be responsible. If we do that by putting everything on the table, we have a chance to be successful and be on a path to fiscal stability and solvency. Refusing to put everything on the table guarantees failure.

TRIBUTE TO GENERAL GEORGE W. CASEY, JR., 36TH CHIEF OF STAFF OF THE UNITED STATES ARMY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. CARTER) for 5 minutes.

Mr. CARTER. Madam Speaker, Congressman SILVESTRE REYES and I would like to take this opportunity to honor General George W. Casey, Jr., the 36th Chief of Staff of the United States Army, for his extraordinary dedication to duty and service to our Nation.

As cochairs of the House Army Caucus, Congressman REYES and I have had the privilege of working with General Casey as he led our Army through a difficult period of transformation, simultaneously rebalancing and modernizing the Army while our Nation was engaged in two wars. After 40 years of distinguished service, General Casey will retire from active military duty in June of 2011.

General Casey is the epitome of the consummate professional, exemplifying the special qualities exhibited by all transformational military leaders: a strong sense of duty, honor, courage, and love of country.

General Casey continued the tradition of military service to his country that was started by his father, Major General George W. Casey, Sr., commander of the First Cavalry Division, who died in a helicopter crash on July 7, 1970, in Vietnam. That same year, General Casey was commissioned as a second lieutenant in the Infantry from Georgetown University's Army Reserve Officers Training Corps.

He went on to excel in a variety of command and staff assignments, including notable participation in Operation Joint Endeavor in Bosnia and Operation Iraqi Freedom in Iraq. He commanded the First Armored Division in 1999 to 2001, served as the director of Strategic Plans and Policy (J–5) of the Joint Staff in 2001, and director of the Joint Staff in 2003.

Following these Joint Staff assignments, General Casey served as the 30th Vice Chief of Staff for the Army until June 2004. From 2004 until 2007, General Casey commanded the Multinational Force Iraq, a coalition of 32 countries, where he oversaw the transition of three separate Iraqi Governments. He set the conditions for transition to Iraqi-led security, which, in turn, enabled the successful drawdown of U.S. forces from Iraq. He was a powerful influence for democratic change in Iraq, steadily improving the security and political environment in the country so that, in 2005, Iraq was able to conduct open and transparent national elections.

On April 10, 2007, General Casey became the Chief of Staff of the United States Army. Since assuming this position, General Casey's leadership and commitment have contributed immeasurably to ensuring America's Army remains the preeminent military force in the world. As the Army's Chief of Staff, General Casey has provided the strategic leadership and vision to complete the most comprehensive transformation of the Army since World War II, building versatile and modular units and improving the capabilities of soldiers to conduct full-spectrum operations.

General Casey has proven himself a tremendous wartime leader, demonstrating unselfish devotion to our Nation and to the soldiers he leads. Responsible for the organization, training, readiness, mobilization, and deployment of Army forces, he has worked tirelessly to successfully restore balance to a force stretched and

stressed by the demands of the wars in Iraq and Afghanistan.

Above all, General Casey has never wavered from his personal commitment to support the soldiers and families who are the heart and soul of the United States Army. He implemented the Army Family Covenant and the Army Community Covenant to expand and improve services and raise awareness about the unique challenges military families face.

Madam Speaker, during times of uncertainty and crisis, our Nation has been fortunate to have exceptional men and women who step forward and calmly lead. Such a man is General George W. Casey, Jr. He has been exemplary in his selfless service for our country through war, peace, and personal trial.

It is with profound admiration and deep respect that we pay tribute to General George W. Casey, Jr., for all he has done for the United States Army and this country. We thank General Casey, his wife, Sheila, and his two sons, Sean and Ryan, for their dedication and sacrifice on behalf of our soldiers, our Army, and our Nation.

As a personal aside, several years ago, I was on a plane that was grounded in Germany coming back from a codel in the Middle East, and here comes the Commander in Chief of the Army jogging up to the airfield just to say hello to the congressional delegation. He is a great man.

BUDGET COMPROMISE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Madam Speaker, at the outset, let me associate myself with the remarks of the gentleman who just spoke on behalf of General Casey and thank General Casey, with him, for his service to the country.

Madam Speaker, in 1998, as a Republican Congress was struggling to compromise with a Democratic President on a budget bill, a Member of the House rose to speak to what he called the ''perfectionist caucus,'' those Members who stood against compromise under any circumstances. Here is what he said:

''Now, my fine friends who are perfectionists, each in their own world where they are petty dictators, could write a perfect bill. It would be about 2,200 of their particular projects and their particular interests and their particular goodies, taking care of their particular States. But,'' this speaker said, ''that is not the way life works in a free society. In a free society, where we are sharing power between the legislative and executive branch, compromise is precisely the outcome we should expect to get.''

Those words were true then when Newt Gingrich, the Speaker of the House, said them, and they are still true today.

In the last election, Americans voted for shared responsibility. Without both parties' willingness to compromise—to take less than 100 percent of what they want—there will be no solution to our most pressing problems, including our debt; there will be no action on our budget; and the government will be in danger of shutting down, which, in the midst of a fragile economic recovery, would be disastrous.

So the question is this, Madam Speaker: Who is willing to compromise and who is standing in the way?

□ 1020

Democrats are willing to cut and compromise. We believe that smart, targeted cuts are a part of the solution, and we have offered to meet Republicans more than halfway.

The Republican leadership initially proposed $73 billion in spending cuts. Their conference rejected that proposal and demanded $100 billion in cuts.

Democrats have offered $51 billion, and signal a willingness to move toward the $70 billion figure suggested by the Republican leadership, very near the Republicans' original goal, provided that we can agree on cuts that don't cripple our economic recovery and undermine our shared values.

Cutting 200,000 children from Head Start is not, I believe, a value we ought to support. Adversely affecting 9 million young people's ability to go to college and make us a more competitive society is not one of those values either. Substantially reducing our ability to participate in basic research which will grow our economy, create innovative ideas and spur invention is not one of our values.

In my view, H.R. 1 that passed this House did not represent America's values. Yes, we need to become fiscally disciplined, but we need to do it in a smart way that reflects our values.

Looking at those numbers, Americans are surely thinking there is clear room to come to an agreement and keep the world's largest enterprise, the United States Government, from being funded on a sporadic, uncertainty-creating 2-week or 3-week increment.

So why can't we?

Well, read the news. The New York Times March 28 said this: ''Tea Party supporters are coming to the Capitol this week to rally Republicans to not compromise with Democrats on spending cuts.'' That's the perfectionist caucus wing.

Politico, on March 27, said this: ''Harsh rhetoric Friday night suggests GOP leaders still fear a tea party rebellion.'' That's what Newt Gingrich was talking about with respect to the perfectionist caucus.

The Hill, on March 29 said, ''Striking a deal with Democrats would set off a wave of revolt among the most conservative members of the caucus.'' That's the perfectionist caucus that Newt Gingrich was talking about that brought our government to a standstill and shut down our government in 1995 and early 1996.

We are in a dangerous place, I tell my friends, when compromise, which is essentially the job description of a legislator in a free society, is enough to spark revolt.

Come, let us reason together, Lyndon Johnson said. That is what we need to do. We face partisan opposition to any compromise on spending levels. Some Members' willingness to shut down the government unless they get their way on divisive social issues, even though the Republican pledge to America promised to, and I quote, ''end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people.'' In fact, Mitch Daniels, candidate for President, Governor of Indiana, said they ought to be considered separately. He is right.

Madam Speaker, the perfectionist caucus, unfortunately, seems to be alive and well. It just has a new name. Just listen to its own words.

One Republican Member said this: ''If we can't defund health care reform in the spending bill, then we have just got to dig in.'' In other words, shut down government if you can't repeal the health care bill.

Is that an item for substantial, substantive debate? It is. But should we shut down the government while that debate is occurring? I say no.

Another said, ''I think we have to have a fight. I think this is the moment.'' In other words, our way or no way. I don't think that's what the American people voted for.

Another said this: ''I don't see any room for compromise.''

Democracies cannot work that way. As Newt Gingrich said, we're elected from different constituencies by different people with different views, and they expect us to come here, all 435 all of us, and all 100 in the Senate, and make reasonable compromises to move our government forward. Yes, to reduce the deficit we must do that, but let us do so in a way that honors our values and honors our democracy.

For the rest of us, Members of both parties who understand that legislating means compromise, it's time to find common ground and prevent government shutdown.

INSIGHTS FROM THE CONSTITUENT WORK WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. BARLETTA) for 5 minutes.

Mr. BARLETTA. Madam Speaker, I rise today to share with my colleagues in the House what my neighbors at home shared with me during the past constituent work week. Throughout the week I heard from small business owners, local officials, university leaders, teachers, students, Rotarians, and a Purple Heart National Guardsman about the issues facing Pennsylvania's 11th Congressional District. Although the voices were different, the message was the same. We need to get our economy back on track.

Last week I spoke at the Rotary Club in my hometown of Hazleton about the debt crisis crippling our Nation. The Rotarians were engaged, attentive, and concerned about the spending habits of Washington.

Madam Speaker, I let them know that we have a debt crisis in this country, not because Washington taxes too little, but because Washington spends too much. For far too long, the Federal Government has overspent, overtaxed, and over-borrowed. That stops now.

If we are serious about our economic prosperity, we must cut wasteful spending in favor of investments proven to work. Last week I visited the SHINE 21st Century After-School Program at Panther Valley Elementary School in Nesquehoning. Located in 10 schools in Carbon and Schuylkill Counties, SHINE is a data-driven, rural education model designed to provide academic enrichment to at-risk students. I commend Jeanne Miller, Director of the SHINE Program, and Lehigh-Carbon Community College for partnering together to benefit pre-service teachers and, more importantly, some of our region's most deserving students. Like the D.C. Opportunity Scholarship Program, the SHINE model stands out as a program that works.

As a member of the House Committee on Education and the Workforce, I will continue to examine how education at all levels is preparing students for careers. I was privileged last week to welcome Chairman KLINE and the House Education and the Workforce Committee to Wilkes University in Wilkes-Barre for a field hearing on the role of higher education in job growth and development. Witnesses from Wilkes University, Empire Beauty School, Luzerne County Community College, and Lackawanna Junior College demonstrated firsthand how northeast Pennsylvania is taking strides to provide quality higher education.

Additionally, Chairman KLINE and I met with and read to a kindergarten class at Riverside Elementary East in Moosic. The reception we received from all of the students was unbelievable, and I couldn't be more appreciative of the students, teachers, and school administrators for putting such a fantastic visit together.

Also, last week I welcomed Chairman MICA, Subcommittee Chairman Shuster, and the Transportation and Infrastructure Committee to Scranton for a listening session on the future of our roads and infrastructure. The listening session helped me and other members of the committee gain a greater level of insight from local leaders with expertise and real world experience in transportation and infrastructure policy. During the listening session, we spoke about job creation, heard some examples of burdensome regulation, listened to ideas about cost-effective maintenance plans, and were briefed on public-private partnerships as new ways to build and repair Pennsylvania's roads and bridges.

Madam Speaker, the challenges we face in our district are great, but they are not unique. My friends and neighbors in Pennsylvania's 11th Congressional District are hardworking people, and I will continue to bring their voices to Washington throughout the 112th Congress.

Finally, Madam Speaker, in closing, I would like to note that we're all here today, free to talk and debate, because of the brave men and women serving in our Armed Forces. I was humbled and honored this week to attend the Purple Heart medal presentation in Hazleton to Pennsylvania Army National Guard Sergeant First Class John Leonard.

Sergeant Leonard was injured in an IED explosion in Iraq in February. It is men and women like Sergeant Leonard who make me proud to be standing freely in this House Chamber today.

□ 1030

KOREA-U.S. FREE TRADE AGREEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maine (Mr. MICHAUD) for 5 minutes.

Mr. MICHAUD. Madam Speaker, I rise today to speak in opposition to the Korea Free Trade Agreement.

The Korea FTA is fundamentally flawed. As everyone knows, it is the same NAFTA-style agreement that hasn't worked for 17 years. This agreement will further undermine U.S. manufacturing and ship more American jobs overseas. But there are things the American people don't know about this trade deal, things that the administration hopes that they will not find out.

The administration will say that this agreement is key to increasing U.S. exports. But what they don't say is that it also increases Korea's imports, too, which will expand our trade deficit by hundreds of millions of dollars each year and cost us 159,000 American jobs.

It will also result in more underpriced goods from China being transshipped through Korea and being dumped in the United States.

The administration will say that this trade deal is important for U.S. national security. But what they don't say and talk about is the potential for it to benefit North Korea through the Kaesong Industrial Complex.

And the administration will say that they fixed the auto provisions and opened up Korea's market to all U.S. companies. But what they don't mention is the fact that they only fixed the auto provisions on paper, not in reality, and this is still a bad deal for the United States companies here in the U.S.

They don't tell the American people that this free trade agreement does nothing to stop Korea's currency manipulation. But the Treasury Department actually identified Korea as a currency manipulator in their report this February.

I have come to the floor today to make sure the American people are aware of how bad this trade deal is for the United States and how good this FTA is for China, Kim Jong Il, and South Korea.

I would urge my colleagues on both sides of the aisle to oppose this flawed NAFTA-style trade deal.

H.R. 910, THE ''DIRTY AIR ACT''

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for 5 minutes.

Mrs. CHRISTENSEN. Madam Speaker, I rise to speak out against the GOP energy agenda and H.R. 910, the Dirty Air Act.

While consumers around the Nation, including my district of the Virgin Islands, are struggling to make ends meet amidst the rising cost of energy, our colleagues across the aisle are shamelessly using scare tactics to cripple EPA's regulatory authority and gut the Clean Air Act.

H.R. 910, the Energy Tax Prevention Act, or more appropriately, the Dirty Air Act, will reverse generations of scientific advancement and does nothing to protect the everyday American. In fact, the legislation outright denies the science that clearly demonstrates that greenhouse gases are injurious to health and that they accelerate global warming. This is science that the Congress has paid for.

The Academy of Sciences, a committee of many of the world's leading climate scientists and others, make the indisputable health link that these gases are injurious to our health. So I want to speak out against that agenda. As the President has recently said, we have got to work together to secure America's energy future.

The only ones who benefit from this legislation will be those who already benefit, Wall Street oil speculators and Big Oil allies here in Congress. This is nothing more than polluted politics. The American people deserve better. Let's save American jobs, invest in the green economy, and ensure a clean, not a dirty, future for the children of tomorrow.

Madam Speaker, I rise to speak out against the GOP energy agenda and H.R. 910, the Dirty Air Act. While consumers around the Nation, including my district of the Virgin Islands, are struggling to make ends meet amidst the rising cost of energy, our colleagues across the aisle are shamelessly using scare tactics to cripple EPA's regulatory authority and gut the Clean Air Act.

H.R. 910, the Energy Tax Prevention Act or more appropriately, the "Dirty Air Act" will reverse generations of scientific advancement and does nothing to protect the everyday American.

In fact the legislation outright denies the science that clearly demonstrates that greenhouse gases are injurious to health and that they accelerate global warming. This is science that this Congress paid for. The Academy of Science, a committee of many of the world's leading climate scientists and others make the indisputable health link, not the EPA

administrator, yet the Republicans think they know better, or at least want the public to think so.

Well I live in a place with very high GHG emissions from both our oil refinery and public utility and we are seeing increases in asthma and the severity of it, even deaths, as well as of certain cancers. They cannot tell my constituents that those gases are not harming our health. My constituents and I believe all Americans want them regulated, we want to be healthy and we want our children's health to be protected. These gases must be regulated for the benefit of this and future generations.

The gases are clearly linked to respiratory and other diseases. All who study the impact of global temperature rise, using sound science, predict not only an increase in respiratory diseases but also heart disease and others.

This legislation is not the only attack on regulations that seek to reduce negative impacts on our health or slow down climate change and prevent us from starting the new green revolution that will create jobs and revitalize communities and our economy. All of the Republican CRs include cuts that would hinder EPA from implementing regulations that protect our health. We must not make cuts that destroy our ability to protect our health and our environment

Without a doubt, the only ones to benefit from H.R. 910 and the Republican cuts will be those who already benefit—Wall Street oil speculators and big oil allies here in Congress. As the President said recently, "We've got to work together to secure America's energy future." H.R. 910 is not a step in the right direction. This is nothing more than polluted politics. The American people deserve better. Let's save American jobs, invest in the green economy and ensure a clean—not dirty future for the children of tomorrow.

H.R. 471, D.C. SCHOOL VOUCHER BILL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. CHU) for 5 minutes.

Ms. CHU. Yesterday, House leadership pushed through H.R. 471. I voted ''no'' because it does nothing to create jobs, hurts public education, and adds to the national deficit.

We have been back to work in the House for 13 weeks, and for 13 straight weeks the Republican majority has done nothing to create jobs. They haven't even put a single jobs bill on the House floor. In fact, their proposed spending bill actually costs America 700,000 jobs.

Now, Speaker BOEHNER has brought his own pet project bill to the House floor that imposes his desire to privatize public education in the District of Columbia, and he doesn't even represent the District. This bill would reauthorize the failed Washington, D.C., private school voucher program and open it to new students, funneling millions in new Federal spending to private schools at taxpayer expense. And yet, for the last 5 years, the voucher program has proven to be flawed and ineffective.

The voucher program has not been successful in raising student academic achievement. It has had no impact on student motivation and engagement. The program has had no effect on student satisfaction with their schools or on whether students view their schools as safe and orderly. And voucher students were less likely to have access to important services, such as programs for English language learners, programs for students with learning problems, counseling, and tutoring. Vouchers are an experiment that has been tried and has failed.

This anti-education bill comes at a time when the Republican leadership is proposing drastic reductions in Federal spending, including a House-passed bill slashing billions from core education programs. Vouchers are not real education reform. They don't solve problems. They ignore them.

Rather than offering an empty promise for a few, we should be ensuring that every child has access to a great public school. And instead of taking money out of public schools for private schools, Congress should be investing in strategies to improve school achievement. Our focus should be on strategies proven to increase student achievement, such as increasing parental involvement, strengthening teacher training, and reducing class size. And our goal should be to prepare all students for the jobs of the future, not to allow a few students and parents to choose a private school at taxpayer expense.

When public schools are struggling and teachers are being laid off, the last thing we need is to spend scarce taxpayer funds on private schools. And that's exactly what this legislation will do. Speaker BOEHNER's bill will increase the deficit by $300 million, $300 million that could go towards making sure America's public school students and public school teachers have the resources they need to succeed. Speaker BOEHNER's bill offers no offsets. It is an ideological effort to recreate a program that was ended years ago because it did not work.

It is time for Republicans to stop playing political games with our public education and America's economic future. And so I ask my colleagues across the aisle to join with Democrats to reduce the deficit, protect our public schools, create jobs, and strengthen the middle class.

THE PENDING FREE TRADE AGREEMENTS WITH KOREA, PANAMA, AND COLOMBIA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Madam Speaker, let me ask Congress, where are you?

America's trade policy is operating as if we were still in the last century instead of the 21st. Time and again, this Congress keeps failing to grasp reality and learn from past failures. Instead, Congress keeps doing more of the same failed approach.

Now, this administration has pledged to soon submit another so-called free trade agreement, this time with Korea. There are even some in Congress who are demanding the President attach no-win agreements to Panama and Colombia at the same time. All of these agreements fail to put America in a position to win economically by creating jobs here in our country.

□ 1040

I want to remind my colleagues that these agreements are nothing more than expansions of the same failed trade policies established by NAFTA. Think about China too. Ever since those two agreements were signed, we have never had a single balanced trade agreement with those countries. These same approaches racked up another half-trillion-dollar trade deficit last year alone and all the lost jobs across our country that were outsourced as a result.

I can assure you that our trade deficits are not getting any better as a result. Year after year, the numbers tell the same story: More job loss resulting from unbalanced trade agreements. America needs reciprocity and balance and equal access to foreign markets, not surrender. Haven't the working people of America paid a high enough price yet with the diminishment of their livelihoods, loss of home values, uprooting of their families, outsourcing of their jobs, collapsed school systems, and constant worry about a more secure future? This is a fight about who is taking away those economic opportunities drop by drop here at home and how we stop the hemorrhage.

More extremist free trade agreements have given us the kind of world we inherited after NAFTA. They told us it would create millions of jobs. Instead, we have seen the manufacturing sector decimated with over 8 million lost jobs. Estimates on the number of jobs lost directly just due to NAFTA with Mexico and Canada are in the millions. Over a third of all manufacturing jobs in the United States have disappeared and been outsourced since its passage.

Our trade deficit with Mexico last year alone was over $66 billion in the red. That means hundreds of thousands of pink slips in our country. And for what? The Mexican people live in greater misery, while their wealthy have become even wealthier since NAFTA's passage. This is not a recipe for continental stability.

When Most Favored Nation status for China was rammed through here at the end of the 1990s, proponents said it would create jobs across our country. Since then, America has amassed a $2 trillion cumulative trade deficit with China—trillion—and hundreds of thousands more pink slips in our country, including in the so-called green energy sector, and more loss of production here as China demands businesses set up shop there to do business at all and then gives vast tax holidays. And there

is liberty there? No, there is Communism. America and Congress, where are you?

Next up, free trade extremists want us to pass more of the same, more of the same failed approach, by adding Korea. In the first month of this year alone, America already had racked up a $1 billion trade deficit with South Korea, and that market restricts our goods already. There is no real reciprocity. We will be lucky if we can sell 75,000 cars there under this proposed agreement. That is not going to happen, because it is not guaranteed in the agreement, yet Korea already sells nearly half a million cars here. How is this fair? How is it reciprocal? How does it hold a promise of balance, not deficit?

Then there is the potential for another trade agreement with Panama. The GAO has identified Panama as a major haven for tax avoidance. In fact, Panama is one of the most popular destinations for multinational firms to create subsidiaries, many of which exist only to help them avoid paying their fair share of taxes here in our country. Why further empty out our country? Why do we do this?

Finally, there is Colombia; Colombia, the most dangerous country in the world if you care about labor rights. Since the 1990s, over 2,000 trade unionists have been assassinated in Colombia, and in the vast majority of cases there has been no justice for the victims and their families. How can America reward this? Why should Americans lose more of their jobs for this?

When America's trade agreements have failed so vastly and cost us millions of jobs, and we haven't had balanced trade accounts in over a quarter century and our standard of living is headed down, we simply can't afford any more of these losing trade agreements. We ought to go back and renegotiate the ones that aren't working for us now. It is time for a new trade model for our country that benefits our workers and our communities for a change. America simply can't afford another NAFTA that is called Korea.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Dr. Charles Jackson, Sr., Brookland Baptist Church, West Columbia, South Carolina, offered the following prayer:

Eternal God, our Heavenly Father, to whom the earth belongs, the fullness thereof, the world and those who dwell therein. We humbly approach Your throne of grace with hearts filled with gratitude and spirits given to praise. How thankful we are to You for Your unconditional love and how You have demonstrated Your love with compassion, care, and concern for all mankind.

Thank You for our President, Senators, Congresspersons, and all other officials of our Nation. Be pleased, dear Lord, to favor them with good health and strength, wisdom, and spiritual resources to lead our country in a manner that is pleasing and acceptable in Your sight. We pray that You will keep our great Nation under Your holy protection. May we govern in the spirit of the prophet Micah, who said to do justly, love mercy, and walk humbly with You.

Tis Your servant's prayer in the name of Jesus, the Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. COFFMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. COFFMAN of Colorado led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REVEREND DR. CHARLES JACKSON, SR.

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, it is an honor today, one of the greatest honors I have had in Congress, to welcome Pastor Charles Jackson, Sr., of Brookland Baptist Church, West Columbia, Lexington County, South Carolina.

Pastor Jackson is a longtime family friend of our whole family. He actually began preaching at age 9. He was licensed at age 10. He was ordained at age 12. He became pastor of the church at age 18. And now, he is the longest serving pastor in the Midlands of South Carolina, 40 years of service.

He has built a church from nearly 60 members to 7,819 members. And we are so grateful for his success. In fact, two of his members are active members and serve in the district office of the Second District of South Carolina: Earl Brown, a former deacon of the church, is our deputy director, and special assistant is Beverly Carter. So we truly identify.

There are now 65 ministries in this church; the sanctuary, 2,300 seating. He provides a credit union, a banquet facility, a foundation. It really serves the people of the Midlands of South Carolina. I am grateful to be here with my colleague, Congressman JIM CLYBURN, who also knows what an extraordinary person Pastor Jackson is.

He is also a successful family man. His wife, Robin, is here. As first lady of the church, she is a beloved person in our community. Additionally, their son Charles is pastor of the New Laurel Street Baptist Church, and we are very grateful. His daughter Candace is a graduate of Duke Law School and is a member of one of the most prominent law firms of South Carolina, Nelson, Mullins, Riley & Scarborough. Also, four grandchildren: Kayla, Charles III, Caleb, and Carter.

It is my honor to be here with Pastor Charles Jackson and thank him for giving our prayer today.

□ 1210

WELCOMING REVEREND DR. CHARLES JACKSON, SR.

(Mr. CLYBURN asked and was given permission to address the House for 1 minute.)

Mr. CLYBURN. Mr. Speaker, I would like to take just a moment to associate myself with the remarks we just heard from Congressman JOE WILSON and to welcome my longtime friend, Reverend Charles Jackson, who when we meet in the barber shop I usually call him a little something different.

I want to thank him so much for giving us the invocation here today and let him know how much I appreciate his long friendship and that of his family as well. I look forward to seeing you at Toliver's in a couple of days.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

THE SOUTHERN BORDERLANDS PUBLIC COMMUNICATIONS ACT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, foreign invaders are threatening the people who feed America. Recently, I was invited to the Arizona border by Congresswoman GABBY GIFFORDS' office. I met with border ranchers who live in fear each day because they don't know who or what is lurking on their land. They communicate with each other over radios.

In this remote area many times cell phones do not work. So, today I am filing legislation that is the idea of Ms. GIFFORDS. This bill is in memory of Robert Krentz, the Arizona rancher who was murdered by an illegal on his own property one year ago. Mr. Krentz is a former rancher whose family still lives in Arizona. News reports indicate Mr. Krentz was in a cell phone ''dead zone'' when he was murdered, and this bill will provide people in remote areas on the dangerous border area with cell phone service to call for help.

If the Federal Government is going to refuse to protect its citizens, the least it can do is allow the people the resources to protect themselves.

And that's just the way it is.

THE OBAMA ENERGY PLAN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, President Obama yesterday outlined four areas to curb foreign oil dependence: domestic production, natural gas vehicles, car fuel efficiency, and better use of biofuels. He could have added a fifth element, his administration's own Sustainable Communities Partnership between EPA, the Department of Transportation and HUD that has helped communities large and small provide families transportation and housing choices which conserve oil without sacrificing economic growth. This combination of smart transportation alternatives, land use and design keeps communities resilient and reduces the impact of high gas prices.

With only 2 percent of the world's oil reserves, America will never drill its way to energy independence as long as we continue to consume more than 20 percent of the world's oil. The only real way to gain independence from oil price shocks is to give families independence from oil.

TRIBUTE TO LANCE CORPORAL CHRISTOPHER S. MEIS, USMC

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, there are many heroes from Colorado who have fought and continue to fight the global war on terror. Today, I pay tribute to one hero in particular, Marine Lance Corporal Christopher Steele Meis.

Lance Corporal Meis of Bennett, Colorado, enlisted in the Marine Corps following his graduation from Bennett High School. He was deployed in January 2011 to Afghanistan in support of Operation Enduring Freedom and served with his brothers of Second Battalion, Eighth Marines, at the tip of the spear in Helmand province. On March 17, his unit came under fire and he gave his life fighting the Taliban.

Steele comes from a family with a long tradition of military service to our Nation. He was proud to be an American and from an early age he wanted to serve his country as a Marine. He chose to become a Marine because, in his words, ''they are the best.'' He had the reputation of a stand-up guy who loved his family and his country. Like a good Marine, he was also known to be the man up front, the man leading the way.

Lance Corporal Christopher Steele Meis is a shining example of the United States Marine Corps' service and sacrifice. As a Marine Corps combat veteran, my deepest sympathies go out to his family, his fellow Marines, and to all who knew him.

APRIL FOOL'S DAY LEGISLATION

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, article I, section 7.2 of the Constitution says that both Houses, this House and the Senate, must pass a bill identical and the President must sign it before it becomes a law.

Now, wait. The Republicans have a bill, we are going to take it up tomorrow, H.R. 1255, that deems that a bill that only has passed the House of Representatives, H.R. 1, has become law. Now, what happened to the fact that we were going to have to prove the constitutionality of every bill that came before the House? This blatantly violates the Constitution.

I was totally outraged, outraged, when I saw this. But then I realized, guess what? What is tomorrow? April Fool's Day. Hey, guys, you got me. Congratulations. Happy April Fool's Day. What are we really going to be doing tomorrow?

CONGRATULATING THE GEORGE WASHINGTON PATRIOTS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to congratulate the George Washington Patriots for winning the West Virginia Class AAA boys basketball championship. The third-seeded Patriots defeated top-seeded Wheeling Park 55–54 to take home the State title. This was a special win for Coach Rick Greene, as he was part of the team that gave the school its first basketball championship 40 years ago.

In a close, intense game, the two teams battled to the end. In the final seconds, George Washington was leading 55–52 when Wheeling Park hit what looked to be a three-pointer. However, a review of the shot showed that it was only a two-pointer and George Washington won. Quite a finish.

Having two boys who grew up playing basketball in West Virginia for Coach Greene, I have seen both the faces of elation and anguish. A game as competitive and well-fought as this shows the heart and dedication these young men and their coaches put in all season to get to this game. I want to congratulate both teams for tremendous seasons and for giving us such a memorable game.

Congrats to Gee-Dub.

CONGRATULATING COACH BOB HURLEY, JR.

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I rise today to congratulate Coach Bob Hurley of Jersey City, New Jersey. Some may know Coach Hurley as the third high school career basketball coach to be inducted into the Basketball Hall of Fame.

Some may know that despite limited resources and no gym facility at St. Anthony High School in Jersey City, New Jersey, he recently led St. Anthony High School's basketball team to their 24th State championship and fourth national title, and has led the team to over 1,000 wins.

However, the more important numbers are those that show the impact he has had on his players. In his nearly 40-year career, only two of his players have not attended college, and of those graduates, over 200 young men have continued to play basketball and 150 have received college scholarships.

Coach Hurley sees the potential in his players, even when they don't see it themselves. He is an inspiration to young men, a true role model, and a father figure to many.

I congratulate Coach Hurley, his players, and St. Anthony High School on their recent national title and wish them well and much success in the future.

□ 1220

ESSENTIAL AIR SERVICE FUNDING

(Mr. MCKINLEY asked and was given permission to address the House for 1 minute.)

Mr. MCKINLEY. Mr. Speaker, this week, the House will consider the fate of crucial funding for commercial flights to and from airports in Morgantown, Clarksburg, and Parkersburg in my home State of West Virginia. West Virginia is a rural State without major population centers, and its employers need and deserve an adequate transportation infrastructure. Access to air transportation is essential to achieving economic growth. The I–79 corridor, for instance, has a large presence of Federal, defense, and high-tech workers, in part because of daily flights to and from Washington, D.C. North Central West Virginia Airport in Bridgeport accounted for 2,372 jobs and $395 million in economic impact in 2008.

Cutting spending is necessary to bring down the deficit and create certainty for job creators. But our local airports are part of what provides certainty for area businesses. Let's make

this airport funding program more efficient by throwing out what is wasteful but keeping what works.

RECOGNIZING MARIA T. SOLIS-MARTINEZ

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. I rise today to recognize an amazing woman, a woman from the city of Anaheim in my district, Mrs. Maria T. Solis-Martinez, in honor of Women's History Month. Mrs. Solis-Martinez is a retired United States Air Force Master Sergeant who served during the Vietnam era from 1960 to 1967. In 1974, she joined the California Air National Guard and continued her commitment to serving our country in the 261st and the 222nd Combat Communications Squadrons.

I'm truly proud to have such an extraordinary woman in my hometown. She is a mentor and a friend, and she's always working for the community. For over 10 years, she has been an active member sponsor of the Latino Advocates for Education, Inc., an organization that brings awareness and recognition to the contributions of Latino military veterans in all the wars fought by the United States. She continues to devote endless hours volunteering with the Girl Scouts Council of Orange County, North Orange County YWCA Youth Employment Service, and so many other organizations, mentoring young girls to become talented, distinguished women.

As we honor Women's History Month and Women in the Military History Week, I proudly recognize Mrs. Maria Solis-Martinez for her incredible leadership and for being such a great role model.

MISPLACED PRIORITIES

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Mr. Speaker, I rise today to object once again to the majority's misplaced priorities during these difficult times for American families. As a result of the financial crisis in 2008, more than 7 million Americans lost their jobs, and more than 9 million Americans have faced foreclosure. In my small State of Delaware, 6,000 people filed for foreclosure last year, which is three times the norm. As Lieutenant Governor, I chaired a foreclosure prevention task force in Delaware. We learned that the best way to help homeowners was through a combination of private and public sector efforts.

It's just unbelievable to me that this House voted to end foreclosure prevention programs which for thousands of families are the last chance to keep their homes. Let's remember that we are still recovering from the worst financial crisis since the Great Depression, and the housing market is still floundering. Allowing more families to lose their homes just makes things worse. So this debate is not just about helping individual families, as important as that is. It's also about strengthening the economic recovery now underway.

RECKLESS SPENDING PROPOSALS

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. Mr. Speaker, I rise today to urge my colleagues to continue to focus on creating jobs and the economic recovery. I am very concerned with the reckless GOP spending proposal that will slash jobs all across the United States of America, and I want to give two examples that were highlighted by my local Urban League that visited Washington yesterday from Pinellas County, or St. Petersburg, Florida.

They said the Republican spending proposal will actually cut 9,100 teachers, teachers' aides, and education jobs if it goes into effect. I think that's wrong. We shouldn't be slashing jobs. We should be fighting to create jobs. They also highlighted the fact that H.R. 1 will slash the Pell Grant for 9.4 million college students all across America. Their proposed cut is $845 per student. That is wrong.

We must remain invested in education, our teachers, our students. We've got to fight for each and every job in the face of the GOP reckless spending proposal and misguided priorities.

HONORING ELIZABETH KEARNEY

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. I rise today to honor a remarkable woman. This weekend, those who love and admire Elizabeth Kearney will gather in Mankato, Minnesota, to celebrate her life. She passed away last Saturday at a very vibrant 96. She was a trailblazer in countless ways. She graduated with a degree in medical technology from the University of Minnesota in 1936. After her husband, Wynn, completed his residency in Rochester, Minnesota, they moved to Mankato, where they raised five children and became pillars of our community.

The Mankato Free Press reported that she was a devoted mother who cherished family above all else and was so active in the community. She was a friend, a mentor, and a role model. Her daughter Ann and her sons Wynn and Mike and their wives, Ginette and Jane, are still an important force in our community. She founded the Women's Leadership Development Program at the YWCA, served on the Mankato Rehabilitation Center board, started the cultural exchange program at the University of Minnesota, Mankato, and served on so many countless organizations.

The Free Press summed it up: ''Elizabeth was the personification of grace, humility, kindness, and generosity, and a day didn't pass without her touching someone's life in her special way.'' Elizabeth will be deeply missed not only by her family but by so many of us in the community who admired her commitment to causes greater than herself.

JOB-KILLING SPENDING PLAN

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, private sector employment went up by 200,000 people this month. But unemployment remains stubbornly high. A principle reason for this is the job cuts in the public sector. This past month, public sector jobs were lost at an annual rate of a quarter million people. These people also have mortgages to pay, college kids to educate, car payments to make, and the like. They matter to our economy.

Over the last 2 years, more than 200,000 teachers have been laid off, while student enrollment has increased by 750,000. We're told that H.R. 1 would eliminate another 9,000 teacher jobs. In Detroit, classroom size has gone up to 60 students per classroom in middle school, the toughest years to maintain discipline and enhanced knowledge. Now we're told we may have a compromise on H.R. 1 that will cut only 300,000—not 700,000—public sector jobs.

It's inconsistent at best, hypocritical at worst, for the Republican majority in this House to suggest they care about jobs while at the same time they're eliminating hundreds of thousands of them.

□ 1230

THE REPUBLICAN MAJORITY'S RECKLESS SPENDING PLAN

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the cloud hanging over this Chamber is the threat of a government shutdown. We are engaged in what is literally a life-or-death debate about our priorities as a country, and the Republican majority's reckless spending plan doesn't just betray our national values, it highlights their values.

They are demanding cuts to financial aid for students and assistance to homeless veterans or they'll shut the government down. They want to slash heating assistance for low-income seniors or they'll shut the government down. They're even demanding we sacrifice the needs of police officers, firefighters, nurses, seniors, and even pregnant women. And on top of all that,

they're fighting to protect billions in tax breaks for Wall Street and oil companies or they'll shut the government down.

In other words, they demand sacrifices from everyone except millionaires, billionaires, and their corporate benefactors. That's why I think we ought to call the reckless GOP spending plan ''good old payback.''

Mr. Speaker, we cannot let politics and corporate profits trump smart and compassionate policy and the well-being of our Nation. I urge my colleagues to reject these demands and fight to create a government and an economy that works for all Americans, not just the wealthy few.

LET'S WORK TOGETHER TOWARDS SMART CUTS

(Ms. HANABUSA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HANABUSA. Mr. Speaker, we have got to get ahold of reality. We have got to ask: What is it? What is it that we're doing when we're not able to come to a CR? Look at what we're telling the people. And worse than anything else, we are defeating the main purpose for which we are here.

We're here to build public confidence. We're here to make people feel good that we know what we're doing and that there is a bright future for all of us. Instead, the majority is proposing yet another series of budget cuts.

Cuts, yes, we must get our budget under control, but we must do it smartly. And somehow that message isn't getting through.

Two economists said that the cuts are shortsighted. Budget cuts to human capital, our infrastructure, the next generation of scientific and technological advances do nothing for us. As a matter of fact, those are going to set us back.

Mr. Speaker, please, what we need to do, what the majority needs to do, is to say, yes, cuts, but smart cuts. And let's work together towards smart cuts.

APRIL FOOLS AND THE REPUBLICAN SPENDING CUTS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, as one of the previous Members on the Democratic side talked about, tomorrow is April Fools. April 1, April Fools. The Republicans would like to have everybody believe that a bill that just passed the House but has never passed the Senate, never been signed by the President, is going to become law. I mean, we all know from our civics class that just isn't what the Constitution says, but they'd like us to believe that.

Now, that's a bad enough joke on America, but the real bad joke is what's in that bill. We're finally starting to get this country on its feet economically. We're starting to make things in America again. Manufacturing is on the rise. But they'd like to see that cut. They want to cut our research into clean energy, which, in Colorado, for every job that we have in research, there are four private sector jobs. They want to cut that. That's the bad joke that's coming up on April Fools.

The cuts that they ask really pull the rug right out from under the feet of America, and we've got to stop it.

THE DREAM ACT CHILDREN

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand today to ask my colleagues to help American families and children.

I join my good friend Congressman LUIS GUTIERREZ on acknowledging the many children, the talented children that are in our schools that deserve the best education, along with all of our children who happen to have been in this country most of their lives but they're undocumented. They are called the DREAM Act children, the children who are our future engineers and doctors, teachers and train workers, bus workers—people who help build America.

It is time now to support comprehensive immigration reform. It's time now to distinguish between the bad guys, whom all of us want to be see deported, versus these young children who are valedictorians and salutatorians, who are athletes, who are men and women in the United States military, who are seeking to be part of the pillars of this community. I want to join in standing alongside these American families and children, not to break up families who are raising wonderful Americans but yet are not statused because of the way their families came to seek an opportunity.

Comprehensive immigration reform is the answer, but we must protect the DREAM Act children.

GOP AGENDA OF MISGUIDED PRIORITIES

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, my Republican colleagues made a ''pledge to America'' to develop a plan to ''create jobs, end economic uncertainty, and make America more competitive.''

Yet, to date, Republicans have not produced a single job-creating measure. In fact, they have done just the opposite. First-time jobless claims increased by 5,000 last week, and the total number of people receiving benefits fell to its lowest level in 3 years. The February job report showed gains of 192,000 jobs and a drop in the unemployment rate to 8.9 percent.

Still ignoring the facts that the experts have said, the needs of their constituents, and basic logic, Republicans continue to embrace a plan that would hamper our economic progress, depress our growth and development. This misguided job-killing spending plan is estimated to eliminate 800,000 jobs and reduce economic growth by 2 percent.

This is irresponsible, unacceptable, and I urge my Republican colleagues to abandon this job-killing spending campaign and adopt a reasonable agenda to support economic development and job growth.

APPOINTMENT OF MEMBERS TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON ETHICS

The SPEAKER pro tempore. Pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of January 5, 2011, the Chair announces that the Speaker named the following Members of the House to be available to serve on investigative subcommittees of the Committee on Ethics for the 112th Congress:

Mr. BISHOP, Utah
Mrs. BLACKBURN, Tennessee
Mr. CRENSHAW, Florida
Mr. LATHAM, Iowa
Mr. SIMPSON, Idaho
Mr. WALDEN, Oregon
Mr. OLSON, Texas
Mr. LATTA, Ohio
Mr. GRIFFIN, Arkansas
Mr. GRIMM, New York

QUESTION OF PERSONAL PRIVILEGE

Mr. KUCINICH. Mr. Speaker, pursuant to rule IX, I rise to a point of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentleman from Ohio is recognized for 1 hour.

Mr. KUCINICH. Mr. Speaker, the critical issue before this Nation today is not Libyan democracy; it is American democracy. In the next hour, I will describe the dangers facing our own democracy.

The principles of democracy across the globe are embodied in the U.N. Charter, conceived to end the scourge of war for all time. The hope that nations could turn their swords into plowshares reflects the timeless impulse of humanity for enduring peace and, with it, an enhanced opportunity to pursue happiness.

We are not naive about the existence of forces in the world which work against peace and against human security.

□ 1240

But it is our fervent wish that we should never become like those whom we condemn as lawless and without scruples, for it is our duty as members

of a democratic society to provide leadership by example, to not only articulate the highest standards but to walk down the path to peace and justice with those standards as our constant companions. Our moral leadership in the world depends chiefly upon the might and light of truth and not shock and awe and the ghastly glow of our 2,000-pound bombs.

Mr. Speaker, our dear Nation stands at a crossroads. The direction we take will determine not what kind of nation we are but what kind of nation will we become.

Will we become a nation which plots in secret to wage war?

Will we become a nation which observes our Constitution only in matters of convenience?

Will we become a nation which destroys the unity of the world community, which has been painstakingly pieced together from the ruins of World War II, a war which itself followed a war to end all wars?

Now, once again, we stand poised at a precipice, forced to the edge by an administration which has thrown caution to the winds and our Constitution to the ground.

It is abundantly clear from a careful reading of our Declaration of Independence that our Nation was born from nothing less than the rebellion of the human spirit against the arrogance of power. More than 200 years ago, it was the awareness of the unchecked arrogance of George III that led our Founders to carefully and deliberately balance our Constitution, articulating the rights of Congress in article I as the primary check by our citizens against the dangers they foresaw for our Republic. Our Constitution was derived from the human and political experience of our Founders, who were aware of what happens when one person took it upon himself to assume rights and privileges which placed him above everyone else.

''But where,'' asked Tom Paine in his famous tract ''Common Sense,'' ''is the king of America?''

''I'll tell you, friend. He reigns above, and doth not make havoc of mankind like the royal of Britain. So far as we approve of monarchy, that in America the law is king; for as in absolute governance the king is law, so in free countries the law ought to be king, and there ought to be no other,'' said Thomas Paine in ''Common Sense.''

The power to declare war is firmly and explicitly vested in the Congress of the United States, under article I, section 8 of the Constitution. That is the law. The law is king.

Let us make no mistake about it. Dropping 2,000-pound bombs and unleashing the massive firepower of our Air Force on the capital of a sovereign state is in fact an act of war, and no amount of legal acrobatics can make it otherwise. It is the arrogance of power which former Senator from Arkansas J. William Fulbright saw shrouded in the deceit which carried us into the abyss of another war in Vietnam.

My generation was determined that we would never see another Vietnam. It was the awareness of the unchecked power and arrogance of the executive which led Congress to pass the War Powers Act. Congress, through the War Powers Act, provided the executive with an exception to unilaterally respond only when the Nation was in actual or imminent danger to repel sudden attacks.

Mr. Speaker, today, we are in a constitutional crisis because we have an administration that has assumed for itself powers to wage war which are neither expressly defined nor implicit in the Constitution nor permitted under the War Powers Act. This is a challenge not just to the administration but to this Congress, itself.

A President has no right to wrest that fundamental power from the Congress, and we have no right to cede it to him. We, Members of Congress, can no more absolve a President of his responsibility to obey this profound constitutional mandate than we can absolve ourselves of our failure to rise to the instant challenge to our Constitution that is before us today. We violate our sacred trust to the citizens of the United States and our oath to uphold the Constitution if we surrender this great responsibility and through our inaction acquiesce in another terrible war. We must courageously defend the oath we took to defend the Constitution of the United States or we forfeit our right to participate in representative government.

How can we pretend to hold other sovereigns to fundamental legal principles if we do not hold our own Presidents to fundamental legal principles here at home?

We are staring not only into the maelstrom of war in Libya; the code of behavior we are establishing sets a precedent for the potential of evermore violent conflicts in Syria, Iran, and the specter of the horrifying chaos of generalized war throughout the Middle East. Our continued occupation of Iraq and Afghanistan makes us more vulnerable, not less vulnerable, to being engulfed in this generalized war.

In 2 years, we have moved from President Bush's doctrine of preventive war to President Obama's assertion of the right to go to war without even a pretext of a threat to the Nation. This administration is now asserting the right to go to war because a nation may threaten force against those who have internally taken up arms against it.

□ 1250

Keep in mind, our bombs began dropping even before the United Nations International Commission of Inquiry could verify allegations of murder of noncombatant civilians by the Qadhafi regime. The administration deliberately avoided coming to Congress and, furthermore, rejects the principle that Congress has any role in this matter.

Yesterday, we learned that the administration would forge ahead with military action even if Congress passed a resolution constraining the mission. This is a clear and arrogant violation of our Constitution. Even a war launched ostensibly for humanitarian reasons is still a war, and only Congress can declare war.

Mr. Speaker, we saw in the President's address to the Nation on March 28 how mismatched elements are being hastily stitched together into a new war doctrine. Let's review them: number 1, an executive privilege to wage war; number 2, war based on verbal threats; number 3, humanitarian war; number 4, preemptive war; number 5, unilateral war; number 6, war for regime change; number 7, war against a nation whose government this administration determines to be illegitimate; number 8, war authorized through the U.N. Security Council; number 9, war authorized through NATO and the Arab League; and, finally, war authorized by a rebel group against its despised government. But not a word about coming to the representatives of the people in this, the United States Congress, to make this decision.

Mr. Speaker, at this very moment, thousands of sailors and marines are headed to a position off the coast of Libya. The sons and daughters of our constituents willingly put their lives on the line for this country. We owe it to them to challenge a misguided and illegal doctrine which could put their lives in great danger, for we have an obligation to protect our men and women in uniform as they pledge to defend our Nation.

This administration's new war doctrine will not lead to peace but to more war, and it will stretch even thinner our military. In 2007, the Center for American Progress released a report on the effects of war in Iraq and Afghanistan and the multiple, multiple deployments of our Armed Forces. The report cited a lack of military readiness. It cited high levels of posttraumatic stress and suicide. The report was released just before President Bush's surge in Iraq, just 1 year after the surge in Afghanistan. And after 8 years of war in Iraq, the President commits an all-volunteer Army to another war of choice. If the criteria for military intervention in another country is government-sponsored violence and instability, overcommitment of our military will be virtually inevitable and, as a result, our national security will be undermined.

It is clear that the administration planned a war against Libya at least a month in advance, but why? The President cannot say that Libya is an imminent or actual threat to our Nation. He cannot say that war against Libya is in our vital interests. He cannot say that Libya had the intention or capability of attacking the United States of America. He has not claimed that

Libya has weapons of mass destruction to be used against us.

We're told that our Nation's role is limited; yet, at the same time, it is being expanded. We've been told that the administration does not favor military regime change, but then they tell us the war cannot end until Qadhafi is no longer the leader. Further, 2 weeks earlier, the President signed a secret order for the CIA to assist the rebels who are trying to oust Qadhafi.

We're told that the burdens of war in Libya would be shared by a coalition, but the United States is providing the bulk of the money, the armaments, and the organizational leadership. We know that the war has already cost our Nation upwards of $600 million and we're told that the long-term expenses could go much, much further. We're looking at spending additional billions of dollars in Libya at a time when we can't even take care of our people here at home.

We're told that the President has legal authority for this war under United Nations Security Council Resolution 1973, but this resolution specifically does not authorize any ground elements. Furthermore, the administration exceeded the mandate of the resolution by providing the rebels with air cover. Thus, the war against Libya violated our Constitution and has even violated the very authority which the administration claimed was sufficient to take our country to war.

We're told that the Qadhafi regime has been illegitimate for four decades, but we're not told that in 2003 the U.S. dropped sanctions against Libya. We're not told that Qadhafi, in an effort to ingratiate himself with the West in general and with America specifically, accepted a market-based economic program led by the very harsh structural adjustment remedies of the IMF and the World Bank.

□ 1300

This led to the wholesale privatization of estate enterprises, contributing to unemployment in Libya rising to over 20 percent.

CNN reported on December 19, 2003, that Libya acknowledged having a nuclear program, pledged to destroy weapons of mass destruction, and pledged to allow international inspections. This was a decision which President George W. Bush has praised, saying Qadhafi's actions ''made our country and our world safer.''

We're told that Qadhafi is in breach of the U.N. Security Council resolutions, but now our own Secretary of State is reportedly considering arming the rebels, an act which would be a breach of the United Nations Security Council resolution which established an arms embargo. We are told that we went to war at the request of and with the support of the Arab League. But the Secretary-General of the Arab League, Amr Moussa, began asking questions immediately after the imposition of the no-fly zone, stating that what was happening in Libya, ''differs from the aim of imposing a no-fly zone. What we want is the protection of civilians and not the shelling of civilians.'' Ban Ki-moon, the U.N. Secretary-General, has also expressed concern over the protection of civilians, even as allied bombing continued during the international conference on Libya in England this week, stating, ''The U.N. continues to receive deeply disturbing reports about the lack of protection of civilians, including various abuses of human rights by the parties to the conflict.'' He was alluding to possible human rights abuses by Libyan rebel forces. Even the Secretary-General of NATO, an organization which the United States founded and generally controls, expressed concern, saying, ''We are not in Libya to arm people but to protect people.'' So I ask, is this truly a humanitarian intervention? What is humanitarian about providing to one side of the conflict the ability to wage war against the other side of a conflict, which will inevitably trigger a civil war, making all of Libya a graveyard?

The administration has told us, incredibly, they don't really know who the rebels are, but they are considering arming them, nonetheless. The fact that they are even thinking about arming these rebels makes one think the administration knows exactly who the rebels are. While a variety of individuals and institutions may comprise the so-called opposition in Libya, in fact, one of the most significant organizations is the National Front for the Salvation of Libya, along with its military arm, the Libyan National Army. It was the National Front's call for opposition to the Qadhafi regime in February which was the catalyst of the conflict which precipitated the humanitarian crisis which is now used to justify our intervention.

But I ask, Mr. Speaker, how spontaneous was this rebellion? The Congressional Research Service in 1987 analyzed the Libyan opposition. Here's what the Congressional Research Service wrote: ''Over 20 opposition groups exist outside Libya. The most important in 1987 was the Libyan National Salvation Front, formed in October 1981.'' This National Front ''claimed responsibility for the daring attack on Qadhafi's headquarters at Bab al Aziziyah on May 8, 1984. Although the coup attempt failed and Qadhafi escaped unscathed, dissident groups claimed that some 80 Libyans, Cubans, and East Germans perished.'' Significantly, the CRS cited various sources as early as 1984 which claim, ''The United States Central Intelligence Agency trained and supported the National Front before and after the May 8 operation.'' By October 31, 1996, according to a BBC translation of Al-Hayat, an Arabic journal in London, a Colonel Khalifa Haftar, who is leader of this Libyan National Army, the armed wing of the National Front, was quoted as saying, ''Force is the only effective method for dealing with Qadhafi.''

Now follow me to March 26, 2011. The McClatchy Newspapers reported, ''The new leader of Libya's opposition military left for Libya 2 weeks ago,'' apparently around the same time the President signed the covert operations order. And I am making that observation. The new leader spent the past two decades of his life in Libya? No. In suburban Virginia, where he had no visible means of support. His name, Colonel Khalifa Haftar. One wonders when he planned his trip and who is his travel agency?

Congress needs to determine whether the United States, through previous covert support of the armed insurrection, driven by the American-created National Front, potentially helped create the humanitarian crisis that was used to justify military intervention. We need to ask the question. If we really want to understand how our constitutional prerogative for determining war and peace has been preempted by this administration, it is important that Congress fully consider relevant events which may relate directly to the attack on Libya.

Consider this, Mr. Speaker: On November 2, 2011, France and Great Britain signed a mutual defense treaty which included joint participation in Southern Mistral, a series of war games outlined in the bilateral agreement and surprisingly documented on a joint military Web site established by France and Great Britain.

□ 1310

Southern Mistral involved a long range conventional air attack called Southern Storm against a dictatorship in a fictitious southern country called Southland in response to a pretend attack. The joint military air strike was authorized by a pretend United Nations Security Council resolution. The composite air operations were planned, and this is the war games, for the period of March 21 through 25, 2011.

On March 20, 2011, the United States joined France and Great Britain in an air attack against Libya, pursuant to U.N. Security Council Resolution 1973.

So the questions arise, Mr. Speaker, have the scheduled war games simply been postponed, or are they actually under way after months and months of planning under the named of Operation Odyssey Dawn?

Were operation forces in Libya informed by the U.S., the U.K. or France about the existence of these war games, which may have encouraged them to actions leading to greater repression and a humanitarian crisis?

In short, was this war against Qadhafi's Libya planned, or was it a spontaneous response to the great suffering which Qadhafi was visiting upon his opposition? Congress hasn't even considered this possibility.

NATO, which has now taken over enforcement of the no-fly zone, has morphed from an organization which pledged mutual support to defend North Atlantic states from aggression.

They've moved from that to military operations reaching from Libya to the Chinese border in Afghanistan. North Atlantic Treaty Organization.

We need to know, and we need to ask what role French Air Force General Abrial and current supreme allied commander of NATO for transformation may have played in the development of operation Southern Storm and in discussions with the U.S. and the expansion of the U.N. mandate into NATO operations.

What has been the role of the U.S. African Command and Central Command in discussions leading up to this conflict?

What did the administration know, and when did they know it?

The United Nations Security Council process is at risk when its members are not fully informed of all the facts when they authorize a military operation. It is at risk from NATO, which is usurping its mandate, the U.N. mandate, without the specific authorization of U.N. Security Council Resolution 1973.

Now, the United States pays 25 percent of the military expense of NATO, and NATO may be participating in the expansion in exceeding the U.N. mandate.

The United Nations relies not only on moral authority, but on the moral cooperation of its member nations. If America exceeds its legal authority and determines to redefine international law, we journey away from an international moral order and into the amorality of power politics where the rule of force trumps the rule of law.

What are the fundamental principles at stake in America today? First and foremost is our system of checks and balances built into the Constitution to ensure that important decisions of state are developed through mutual respect and shared responsibility in order to ensure that collective knowledge, indeed, the collective wisdom of the people is brought to bear.

Two former Secretaries of State, James Baker and Warren Christopher, have spoken jointly to the ''importance of meaningful consultation between the President and Congress before the Nation is committed to war.''

Our Nation has an inherent right to defend itself and a solemn obligation to defend the Constitution. From the Gulf of Tonkin in Vietnam to the allegations of weapons of mass destruction in Iraq, we've learned from bitter experience that the determination to go to war must be based on verifiable facts carefully considered.

Finally, civilian deaths are always to be regretted, but we must understand from our own Civil War more than 150 years ago that nations must resolve their own conflicts and shape their own destiny internally. However horrible these internal conflicts may be, these local conflicts can become even more dreadful if armed intervention in a civil war results in the internationalization of that conflict. The belief that war is inevitable makes of war a self-fulfilling prophecy.

The United States, in this new and complex world racked with great movements of masses to transform their own government, must, itself, be open to transformation away from intervention, away from trying to determine the leadership of other nations, away from covert operations to manipulate events, and towards a rendezvous with those great principles of self-determination which gave birth to our Nation.

In a world which is interconnected and interdependent, in a world which cries out for human unity, we must call upon the wisdom of our namesake, our Founder, George Washington, to guide us in the days ahead. He said: ''The Constitution vests the power of declaring war in Congress. Therefore, no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such measure.''

Washington, whose portrait faces us every day as we deliberate, also had a wish for the future America. He said: ''My wish is to see this plague of mankind, war, banished from the Earth.''

I yield back the balance of my time.

□ 1320

PROVIDING FOR CONSIDERATION OF H.R. 658, FAA REAUTHORIZATION AND REFORM ACT OF 2011

Mr. WEBSTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

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.

Mr. WEBSTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts, my good friend, Mr. MCGOVERN, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WEBSTER. Mr. Speaker, I rise today in support of this rule and the underlying bill.

House Resolution 189 provides for a structured rule for the consideration of H.R. 658, the FAA Reauthorization and Reform Act of 2011. The rule provides for ample debate and opportunities for Members of the minority and majority to participate in the debate.

This structured rule has made in order dozens of amendments on a wide range of provisions in this bill, but also in transportation policy in general.

In addition to the 1 hour of equally divided general debate on the bill, the rule has made 33 amendments in order, including 18 amendments from the minority, 12 from the majority, and three bipartisan amendments. Of the 24 amendments offered by the minority, 21 were made in order by this rule.

I point out the number of amendments made in order by this rule by specificity because it is so unusual. The last long-term FAA reauthorization passed Congress in 2007, and the rule for that bill allowed for only five amendments to be debated on the floor.

Since the last long-term FAA reauthorization expired, Congress has passed 18 short-term extensions, and never once has any of the rules allowed for any amendment of any kind to be debatable on this floor.

While many at home may assume that when the House debates something as important as the aviation system, their Member of Congress is given the opportunity to offer and submit ideas and debate those ideas on this floor, it has not been the case in recent years.

Today, we will likely hear from Members of the minority insisting that the underlying bill contains inadequate funding, despite the fact that our Nation is facing a $1.6 trillion deficit and we should be tightening our belts just like families across America are doing.

We may hear Members from the other side of the aisle complaining that the legislation eliminates government subsidized ''essential'' air services to rural areas of America, despite skyrocketing costs to taxpayers during an already stressful economic time.

And we may also hear from colleagues that suggest that the legislation contains a poison pill provision on rewriting union election rules, despite those rules being in place and overwhelmingly effective for the last 70 years.

To those complaints, I would specifically and simply ask and suggest: Vote for the rule. The rule allows for amendments to debate alternatives of all kinds to the base bill, to be debated and heard on this floor. To me, that is a good thing.

□ 1330

To be sure, some of the above issues are addressed by amendments, those issues I just mentioned, and they are all going to be debated shortly, as soon as we pass this rule and begin debate on the bill.

So, if you have any concerns with the bill, I would implore my colleagues to support the rule which allows for those concerns to be debated by the duly elected Members of this body. Amendments will pass or fail based on the merits of arguments made by proponents and opponents of these ideas, and if at the end of the process the Members are still not satisfied with the final product, they can vote against it.

However, to vote against the rule, which would allow this debate to take place, suggests satisfaction with the underlying bill as it is currently written. And I would understand that position, because I support the bill as well. I support passing a 4-year extension that would allow for long-term aviation system planning instead of a merely short-term cookie-cutter fix that accomplishes very, very little.

I support tightening our belt and rolling back funding to 2008 levels to save taxpayers $4 billion over the next several years.

I support consolidating aging, obsolete and unnecessary FAA facilities and expanding the cost-effective contract tower program, which allows airports to utilize privately operated, more efficient control towers.

I support passing a reauthorization that is 100 percent free of earmarks, tax increases or passenger facility charges. And the list goes on.

But most importantly, this debate we have here on the floor right now is for this particular rule. If you don't support these things, the rule allows Members to bring alternative proposals before this House for an open and honest debate.

So, once again, Mr. Speaker, I rise to support this rule and the underlying legislation. The committees of jurisdiction have worked to provide us a long-term reauthorization that can streamline the modernization of our aviation system while ending the practice of short-term fixes when it comes to funding this crucial service. I encourage my colleagues to vote ''yes'' on the rule and ''yes'' on the underlying bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Florida (Mr. WEBSTER) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, here we go again. Instead of bringing meaningful legislation to create jobs to the floor of the House of Representatives, the new Republican majority continues to show just how out of touch they are. Two weeks ago, it was cutting off funding for National Public Radio. Yesterday, it was private school vouchers in Washington, D.C. But today's bill is even worse, because this bill will actually destroy jobs.

H.R. 658 starts by reducing the Federal Aviation Administration's funding back to the Republicans' favorite sound bite number of FY 2008 levels. We know that every $1 billion of Federal investment in infrastructure creates or sustains approximately 35,000 jobs. That is 35,000 Americans who can pay their mortgages and stay in their homes, 35,000 Americans that can better afford to put their kids through college, 35,000 Americans that could help our economy to recover.

Instead, H.R. 658 cuts almost $2 billion from the Airport Improvement Program, which provides grants to airports for constructing and improving runways and terminals. This provision alone will cost us 70,000 jobs over the course of this 4-year authorization period.

H.R. 658's reduced funding levels will result in the layoffs of hundreds of safety inspectors, engineers and support personnel. These drastic cuts will also delay transitioning our outdated air traffic control system to the modern NextGen system. Without 21st century infrastructure and technology, the United States cannot keep up with our global competitors. It is just that simple.

Mr. Speaker, in the past, the FAA reauthorization bills have garnered a great deal of bipartisan support. Unfortunately, this time is very different because, in addition to the inadequate funding levels, this bill continues an emerging and disturbing Republican trend toward destroying the collective bargaining rights for American workers. From Wisconsin to Ohio to Maine, we have seen how Republican politicians are attempting to destroy a century of hard-fought labor protections. This bill represents more of the same.

This bill would reverse a National Mediation Board rule that allows a majority of those voting in aviation and rail union elections to decide the outcome. Instead, tea party extremists want to count workers who chose not to vote as automatic ''noes'' against the union.

I wonder if my friends on the other side of the aisle would be willing to use that same standard in congressional elections? I wonder if they would agree that every registered voter who didn't vote, for whatever reason, last November would automatically be counted as a ''no'' vote against them? I doubt it, because in the 2010 midterm elections, 40.9 percent of eligible voters cast ballots nationwide.

Under the standard in this bill, not a single current Member of Congress would have won election last year. Not one. Let me make this a little more clear. Neither I nor my colleague from the other side of the aisle, the new Member representing the Eighth District of Florida, would be standing here today if this undemocratic standard is enacted. In fact, my friend from Florida would have received only 23.1 percent of the vote, well below the 50 percent threshold included in this bill that he supports today.

I ask my friend from Florida, where in the Constitution does it say that any registered voter who doesn't cast a vote in an election has their vote counted as a ''no''? If this standard doesn't make sense for Members of Congress, if we are unwilling to use it on ourselves, then it isn't fair for working people trying to organize.

Mr. Speaker, this bill, unfortunately, abandons a long and proud tradition of bipartisanship on the Transportation Committee, which I am honored to say I once had the privilege of serving on, and I urge my colleagues to reject this rule.

By the way, we have yet to have a truly open rule in this Congress. Notwithstanding the promises that we would see nothing but open rules, we have yet to have a single truly open rule. So I urge my colleagues to reject this rule and the underlying bill.

I reserve the balance of my time.

Mr. WEBSTER. I yield myself such time as I may consume.

Mr. Speaker, I will say this: I came here to talk about the rule. I didn't come here to talk necessarily about the underlying bill, although I do support the underlying bill. The rule is what is before us right now, not necessarily the policy that is underneath

it. We will be discussing that. There will be amendments offered that could change many of the things spoken of by my good friend from Massachusetts.

But I ran for election to this House of Representatives based on the fact that I told people America is not broken; Washington is. One of the things that was broken in Washington was the process. The process that I saw, the process that was inherited by our own Speaker, was a process based on a pyramid of power, and that pyramid of power was so high, it was as high as the Space Needle, probably, and a few people at the top of that pyramid are the ones that made the decision, not anyone else.

So why were there so many closed rules? Because the pyramid of power said this is what we're going to do and this is what you've got to do, and you've got to go vote, unfortunately. That is what I came here to change, and I think the Speaker did, too, and he created a process by which there were amendments offered on the floor of this House on these bills so people can address the problems that they have.

So he has pushed down the pyramid of power and spread out the base so every single Member had an opportunity to file an amendment, and almost every one of those were made available to be used on the floor of this House by this rule. It was done because we want the membership, as the Speaker has said, he wants this to be the people's House. He wants the people to have an opportunity to have their Member heard on particular issues and particular amendments.

Yes, there will be debate on this bill, there will be debate on the underlying measure, and we will be talking about that and I will be voting for that. But that is not what we are here to talk about right now, and, that is, there is a process. It was broken, and we are doing everything we can to fix it. This rule helps do that.

This rule is a rule that allows for open and honest debate on amendments, on the bill itself, and, to me, that is a great improvement over where we have been in the past. So push down that pyramid of power. Spread out the base. Let every Member be a player. Do it by voting for this rule.

I would now yield 5 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman for yielding.

I want to begin by congratulating the gentleman from Florida (Mr. WEBSTER). I understand this is the first rule he is managing, and you're doing a brilliant job so far. Hopefully that will be the case for the next 50 minutes as well.

I want to also congratulate Chairman DREIER and the Rules Committee for coming up with this rule. I have been here in the minority, I have been here in the majority, and the 33 amendments made in order under this rule beat by 28 the number made in order when we last considered this piece of legislation. So congratulations to you.

□ 1340

Sadly, I think for my friends in my party, one of the amendments made in order is mine. And it's what's caused me—although I fully support the rule; I'm going to vote for the rule—it's what causes me some angst relative to the bill.

I have to give a little bit of context and history. I was on the Transportation Committee when the first reauthorization of this bill was supposed to take place. This bill hadn't been reauthorized since 2003. This bill is about America's future because, among other things, it takes our air traffic control system from ground-based radar to satellite-based so that we can do a lot of wonderful things and continue to be the world leader. So we need to get this bill done.

But a funny thing keeps happening to this bill on the way to the bank, I guess. We first had a fight between Federal Express and UPS. It really doesn't have a lot to do with NextGen, but that screwed up the bill for a while. Then we had a fight with the air traffic controllers in the Bush administration, and that screwed up the bill for a while. Then we had a problem with something called PFCs; how much a passenger pays as a landing charge. Those fees, of course, are then turned into runways and infrastructure and employ a lot of people. So we didn't have a bill.

And then we almost got a bill. In the last Congress, Jim Oberstar and JOHN MICA and JERRY COSTELLO and TOM PETRI did a really nice job, sent the bill over to the Senate, and a couple of Senators decided that they wanted to favor one airline over others and have additional flights—long-distance flights—from Reagan National Airport to their homes, I guess, on the west coast. And so one airline would have received 48 percent of the benefit and everybody else would have gotten the scraps. We didn't have a bill. Again, you say, Why do people get frustrated with Washington? What do any of those things have to do with whether or not we continue to be the world leader in aviation?

So now we come to this bill. And I have to tell you there is a poison pill in this bill. The Senate will not take up the bill as currently written. The President issued a statement of administration policy last night indicating he will veto the bill. And it's all over this one issue. This one issue doesn't belong in the bill.

Now, there are people around here that love unions and the unions can do no wrong. There are people around here that hate unions and unions can't do anything right. But what happened is the airlines and the railroads are organized and regulated under the Rail Labor Act, as opposed to the National Labor Relations Board Act. It's been that way since the 1930s. And for years the rule was that—75 years, actually—that if they wanted to certify a union, you had to get a majority of people in the whole class.

And Mr. MCGOVERN is exactly right. Can you imagine there's about 200,000 people that are registered to vote in my congressional district. And so I stand for election, and if I got 70 percent, so 100,000 people show up—only half, which is about what we're averaging in this country—100,000 people show up, 70,000 vote for me. I'm pretty happy, popping the champagne corks, thinking I got a nice election going. But under the structure that's been in existence for all these years, those 100,000 people that didn't show up, they're counted against me. They're counted as ''no'' votes. Americans don't understand that kind of election process. It just doesn't make any sense. And the argument and the pushback against this is, Well, it's been that way for 75 years.

Now, the Speaker, I know, is a learned historian of American history. When the Constitution was written, only white men who owned property could vote in this country. And I'll bet if you asked the white guys, they were probably pretty happy about that, and they would say it works okay. For another hundred years, the women in this country couldn't vote. And maybe if you asked some of the men, they were probably happy about that as well. Just because something has been around for a long time doesn't make it right, doesn't make it fair. So the National Mediation Board, which has jurisdiction, changed the rule. They had a hearing. They asked for comments. They had a public meeting. They took a vote. And they changed the rule to the more fair procedure wherein those people that actually show up and vote, that's going to be the vote.

Now, have horrible things happened since this rule went into effect? No. One of the prime proponents of this rule change, Delta Airlines, they've had four elections since the rules were changed. The union has lost all four. And this dumb argument I heard the other day that only three people can come and form a union, that's nonsense. They had a 94 percent turnout at their election. So this encourages turnout.

The other thing I just want to mention is there's a lawsuit pending on this. The Air Transport Association sued the National Mediation Board. They lost.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBSTER. I yield the gentleman an additional 30 seconds.

Mr. LATOURETTE. It's now in the Court of Appeals. We do our darnedest to say we're going to drain the swamp and do all the other stuff around here. But in this lawsuit—they've got a lot of members, the Air Transport Association—but here are the airlines—and I

want everybody listening and following at home figure out what's going on here. The following members of the Air Transport Association opted out of this lawsuit: American Airlines, Continental Airlines, Southwest Airlines, UPS Airlines, United Airlines, and US Airways.

This is a bad deal and we shouldn't be doing it.

Mr. MCGOVERN. I yield myself such time as I may consume.

First, I want to commend the gentleman from Ohio for his efforts on trying to promote fairness and would reiterate that the issue in question has no business being in this bill. This should not have been put into this bill. I consider it a poison pill. Again, I think it reflects this troubling pattern that we see all across the country where my friends on the other side of the aisle seem to be siding against working people.

I would also just say about the process that we were told that there would be open rules, open rules, open rules. We have not had one. Every member on the Republican side in the Rules Committee has been given an opportunity to vote for an open rule, and they have voted it down every single time.

This afternoon we're going to take up this bill, this deem and pass bill, or whatever people are calling it, which I think is not constitutionally sound but nonetheless we're bringing it up. We'll have another opportunity then to have a vote on an open rule. I wonder where my friends on the Republican side will be on opening up that process. My guess is it will come to the floor either under a closed rule or very restrictive process. So let's be clear: There's not been one truly open rule yet.

At this point I would like to yield 5 minutes to the distinguished ranking member on the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I appreciate my colleague for yielding, and I want to congratulate my colleague, Mr. WEBSTER, on management of his first rule.

I rise today in opposition to the Shuster amendment that would undermine the strong flight safety regulations passed by this Congress and meant to protect air travelers throughout the Nation.

Last July, Congress came together to pass the Airline Safety and Federal Aviation Administration Extension Act of 2010. It was landmark legislation requiring the FAA to implement the findings of the National Transportation Safety Board, which many of us thought the FAA already did, to establish a pilot records database to provide airlines with fast, electronic access to a pilot's record; to direct all airlines and Web sites that sell airline tickets to disclose who is operating each flight; and, of vital importance to those of us who live in western New York, make the necessary changes that address the underreported and deadly issue of pilot fatigue and inability to fly in bad conditions. My concern, Mr. Speaker, is that this amendment stands to undermine all of these reforms. It would lay additional layers to the FAA's already cumbersome rulemaking process, only delaying what we fought so hard to create last year. And we must not go back.

Mr. Speaker, I have the privilege of representing western New York, and flight safety is one of our highest priorities. It was outside Buffalo, in the suburb of Clarence, New York, on a snowy February evening that Continental Connection Flight 3407, operated by regional carrier Colgan Air, crashed to the ground, killing all 49 passengers and one man on the ground. It was a tragedy deeply felt in western New York and sent shock waves throughout the aviation community.

As we discovered more details that fateful evening, we learned that the young pilot had never been trained on stall recovery techniques, which were needed that snowy night, and he had failed five different tests, but his employer only knew about two of those failures. One pilot had slept in the airport in a chair. The other had taken a red-eye flight from Seattle just the night before. It exposed delinquencies in commercial aviation that desperately need solutions. Pilots are often exhausted and underpaid. Discrepancies in the training requirements exist between major carriers and their regional partners. And pilot records are inconsistent, meaning a pilot's entire flying record was not available to his employer.

In the 2 years that followed, we took tremendous effort to learn from the lessons of that painful night. Led by heroic family members of victims of Flight 3407, Congress passed the Airline Safety and Federal Aviation Administration Extension Act. I want to take a moment to recognize the courage and tenacity of those family members. In the past 2 years, they worked through the grief of their own loss and advocated for safer skies for the rest of us. Collectively, they have made 40 trips to Washington on their own money, constantly reminding Members of the House, Senate, and administration that improving aviation safety is never a cause that can be pushed aside.

□ 1350

They have become the most effective group of citizens I have seen in my time in government. Every one of us, and we all do almost every week, who steps into an airplane owes them tremendously, and I am pleased to call them my friends.

The Nation cannot thank them individually, but this Congress can thank them by voting ''no'' on the Shuster amendment. Because of their work and of those in Congress, there is no better way to mark the lessons we have learned as a Nation about flight safety than by honoring the people who died on that cold and snowy night. This has been the mission of their families, and it has become a mission of mine.

Any attempt to turn back the clock on landmark provisions we passed last July will hurt everyone, including all the Members of Congress who, as I say, mostly fly back and forth to our districts each week.

To think that the pilot flying that plane is so fatigued that he or she is not at their peak is astounding and dangerous to all of us. These safety provisions must stay intact. They must apply to all pilots. It should not take another tragedy for us to have to relearn the lessons of flight safety.

I urge my colleagues to vote ''no'' on this amendment, which should not be in this bill.

Mr. WEBSTER. I yield myself such time as I may consume.

Mr. Speaker, I still want to bring it back to the issue at hand. We're talking about a rule here, and I have found that no matter what you're making—you could be making widgets or you could be making laws—if the process is flawed, whatever you manufacture, whatever you make is flawed. And that's what we're trying to improve here.

The previous Congress, I believe, had a flawed process. This is an improvement. It allows for 33 amendments. I will remind everyone there were 18 extensions of this particular piece of legislation over the past several years. Not one of them ever, ever had an amendment offered on the floor of this House. This is one piece of legislation with 33 amendments being offered. That, to me, is an improved process.

What happens when you improve the process? When you improve the process, the product is always going to improve. I have a business, and I know, Mr. Speaker, you do. And you know that everything you can do starts with first making that process better. That's what we're doing. That's what this rule does. It improves the process, and by improving the process, the product that's produced by this House—which is not in question right now because there are 33 amendments filed for this underlying bill that have been made available for this House to debate. So we don't know what the final product is going to be, and we'll have to wait and see. That's a whole lot better process than coming in and voting ''yes'' or ''no'' on a particular piece of legislation.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let's talk about process. Notwithstanding the promises of open rules, we've been here for 13 weeks and not a single open rule. Not a single open rule. And I will tell you that there's something wrong with the process when after all this time we have yet to do anything to help create jobs or promote jobs in this country. Jobs are the most important issue.

A couple of weeks ago, we were dealing with National Public Radio. It was brought to the floor under an emergency rule. An emergency rule. What

kind of process is that? You would think that we were going to talk about something important like the potential war in Libya or about how we put people back to work. Instead an emergency rule was utilized to bring a bill to defund National Public Radio. There's something wrong with this process when we're talking about that and not talking about jobs.

At this point, Mr. Speaker, I would like to yield 2 minutes to my friend, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

I'm here to talk about the abandonment of essential air service in rural America.

My problem with this bill, among others, is that this legislation turns its back on rural America. The FAA budget is about providing a transportation system that is going to serve all of America, all of our taxpayers in urban and in rural areas. And this bill is an assault on the $200 million a year that had been available for essential air services in rural America.

How is it that rural America gets left behind? We have needs, we have companies, we have taxpayers, and we have travelers. And we can have that commitment to rural America be continued, not abandoned.

Let me give an example. The Rutland Southern Vermont Regional Airport serves southern Vermont. That county is rural, 63,000 people. There's no interstate access, Mr. Speaker. To help ensure the three daily flights to and from Boston Logan International Airport, the air services are subsidized at $800,000 a year. It's a good and efficient use of taxpayer money. That airport has the fifth-lowest EAS subsidy in the country, but it's had the greatest number of passenger enplanements since 1985.

This relatively small investment has spurred private investment in the region. We've got a GE plant there. We've got the local hospital. It resulted in $25 million in economic impact for the region, and in the past year bookings have risen by 25 percent.

So the question I have is, yes, kick the tires on any program. Make them accountable. But how is it accountable and how is it responsible to rural America when the budget gets smashed, and we're going to leave the Rutland regional airports of this country behind, and we're turning our back on the prospects and hope of rural America?

Mr. WEBSTER. I yield myself such time as I may consume.

Mr. Speaker, I just want to remind the House again we're talking about this rule. And there was an opportunity to file amendments on all the issues that are being brought up.

There was an amendment filed on that very issue. It wasn't my fault it was withdrawn. It was the sponsor's fault it was withdrawn. Had it not been, there might have been a difference. It might have been heard here. We might have been able to discuss and wouldn't have to discuss it while we're discussing a rule. But for some reason it was withdrawn.

I also want to remind the membership that last Congress, zero open rules. Zero. None. No amendments were offered on this floor. It was like a silence that existed for a long period of time. No Member could stand up and give an amendment to any type of piece of legislation. That's a sad thing. That, to me, is a broken process.

And I'm glad Chairman DREIER came because he too, along with the Speaker, has said we want to have as open a process as we possibly can. We want to allow for amendments. We want to allow for opportunities in a process that's better than last time; that as we improve this process, we're also going to improve the policy that we present to this floor and to the public once it passes and it's signed by the President.

Mr. DREIER. Will the gentleman yield?

Mr. WEBSTER. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I would just like to say, Mr. Speaker, that I have listened to my friend from Worcester keep throwing out this term ''open rule,'' ''open rule,'' that we've had all these chances for open rules and we haven't passed a single open rule.

First, let me say, based on the definition that our colleagues on the other side of the aisle had, we've had open rules. Bills considered under what we correctly describe as a modified open rule were described by our friends when they were in the majority as an open rule. Now, having said that, what we repeatedly said was that since in the entire 4 years of Speaker PELOSI's leadership of this House, we had one measure in 4 years considered under an open rule, we said in our Pledge to America that we wanted to make sure that the appropriations process is done under an open amendment process. And we're going to do our doggonedest to make sure that we have an open amendment process for consideration of that.

And I think it's important to note that if you look at, as Mr. WEBSTER said so well—and I want to congratulate him on his management of his first rule here in the House—making 33 amendments in order has not in any way predetermined the outcome of the measure when we had all of these extensions that went on for FAA. And my friend Mr. MICA, the chairman of the Transportation and Infrastructure Committee, is here. We know that we've had these constant renewals without a single amendment being offered. So we're going to have 33 amendments.

So our commitment to a more open process has, in fact, been met and exceeded in the eyes of many. And I will tell you the praise that we've gotten from Members in the leadership on the Democratic side of the aisle for having gone through all of the amendments that we did—it was virtually unprecedented—on H.R. 1, the measure that allowed us to work overnight and have a modified open rule, meaning any Member could offer a germane amendment. It was, as I said, virtually unprecedented. So I am very proud at what we've done, certainly juxtaposed to what we've seen in the last 4 years. And I believe, Mr. Speaker, that by virtue of our doing this, we're allowing the people of this country to have a chance to be heard. That has not been there for quite a long period of time.

I again thank my friend for his superb management.

□ 1400

Mr. WEBSTER. I reserve the balance of my time.

Mr. MCGOVERN. I yield myself such time as I may consume.

Madam Speaker, I've listened with great interest. My friend from California (Mr. DREIER) kind of amended a little bit what the Republican majority promised. I think I heard him right, that open rules now are only limited to appropriations bills and nothing else.

Mr. DREIER. Will the gentleman yield on that?

Mr. MCGOVERN. I would be happy to yield to the gentleman.

Mr. DREIER. I never said that we're going to limit an open amendment process, open rules, to the appropriations process. What I said was and the commitment that we made was that, since we had the appropriations process completely shut down in the last two sessions of Congress, we wanted to now have this done in an open amendment process.

I thank my friend for yielding.

Mr. MCGOVERN. I thank the gentleman for his clarification.

It seems like, to me, a little bit of revisionist history, but I guess later this afternoon we're going to rewrite the Constitution, so why not rewrite history? We were promised open rules. Under the definition of an ''open rule,'' we have not had one single open rule in this Congress. Again, this afternoon, we are going to be dealing in the Rules Committee with the demon and pass a bill.

We had on this floor, not too long ago, the reading of the Constitution. I guess my friends on the other side of the aisle weren't paying attention, because what they are trying to do this afternoon, in my opinion, or, I think, in anybody's opinion, doesn't fit with the Constitution. It will be interesting to see whether or not that comes to the floor under an open process. My guess is it will be a very restrictive process, which we've become accustomed to.

At this point, I yield 2 minutes to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. I thank the gentleman.

Madam Speaker, I rise to express my strong opposition to an amendment made in order under this rule, an

amendment which would block the implementation of regulations to prevent pilot fatigue.

Our current pilot fatigue regulations are outdated and have been on the books for decades. In that time, we have seen many preventable accidents occur due to pilot fatigue, including the crash of Flight 3407, near Buffalo, in which 50 people died 2 years ago.

In response to that tragedy and after over a year of consideration, last year the House and the Senate unanimously passed legislation to update our pilot fatigue rules. They are pending implementation by the Federal Aviation Administration.

These reforms have been on the National Transportation Safety Board's ''most wanted'' list for the past 20 years. They are based on science, on fact, on real input from the professional aviation community. However, the amendment offered by Mr. SHUSTER would have the effect of blocking their implementation.

Pilots are people who have a huge responsibility to the flying public. It doesn't matter whether they are flying a cargo plane, a regional plane or a large passenger plane. They need adequate rest to perform their duties.

Quite simply, these pilot fatigue reforms will save lives. Fifty lives were needlessly lost 2 years ago. Last year, we voted unanimously to enact these reforms due to the dogged advocacy and determination of the families who lost their loved ones in that crash. These families want nothing more than to make our airways safer and to prevent this tragedy from happening again.

I urge my colleagues to stand with these families, to stand with aviation safety, and to please vote against the Shuster amendment.

Mr. WEBSTER. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. First, I thought I would start off by acknowledging the efforts to have open rules and so on and by giving you a little praise, but you're doing enough to give yourselves praise, so I guess I won't have to do that today.

Madam Speaker, I rise to oppose this rule. I rise to address yet another attack on our Nation's workers and the middle class which have been snuck into the FAA Reauthorization Act. As a senior member of the committee and as a pilot myself, I am appalled that Republicans have chosen to play politics with legislation as important as this—one that ensures our skies are safe and operating at peak performance.

In H.R. 658, Republicans march on in their crusade against working Americans and middle class families by targeting union representation elections for hardworking Americans. Under this legislation, Republicans would deny transportation workers and their unions the basic tenets of democracy by ordering an absent vote in a representation election to be counted as a ''no'' vote. By this math, not a single one of us serving in the House today would be here when we compare voting populations in our districts with the percentage of the ''yes'' votes we all mustered. On average, we would have earned about 25 percent of the vote.

In targeting our Nation's transportation workers, Republicans have once again drawn a line in the sand between the needs of middle class America and protecting the interests of CEOs and Wall Street, and it is obvious which side they're on.

Instead of stripping our aviation and rail workers of their democratic rights, why don't the Republicans look within their own ranks and apply this election concept to Wall Street? From here on out, make every corporation that received government assistance count an absent shareholder vote as a ''no'' vote when considering executive compensation and bonus packages.

But that won't happen.

Instead of focusing on real issues like jobs and education, Republicans are attacking middle class rail and aviation workers who do dangerous jobs to keep our transportation system going.

I urge my colleagues to stand with the middle class workers who put their lives on the line every day at work to make sure that goods and people are being moved across this Nation. Vote ''yes'' on the amendment to be offered by Congressmen LATOURETTE and COSTELLO.

Mr. WEBSTER. Madam Speaker, I would like to inquire as to how much time remains on both sides.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida has 12½ minutes remaining. The gentleman from Massachusetts has 11 minutes remaining.

Mr. WEBSTER. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

I rise in opposition to the rule because it includes a manager's amendment with problematic provisions.

The manager's amendment will prevent the disclosure and use of safety data. It provides immunity to all persons and organizations involved in the implementation of a safety management system, and it provides total immunity for volunteer pilots, volunteer pilot organizations and referring agencies.

By preventing the disclosure of safety information, the manager's amendment severely hinders the ability of people injured by the negligence of the aviation industry, or their surviving family members, from obtaining crucial information that they need in a court of law to determine whether or not their loss was due to the industry's negligence. Essentially, it allows the negligent airline companies and their employees to hide and to keep evidence of their negligence secret.

Additionally, by granting immunity to any ''person that is required to implement a safety management system'' and for volunteer pilots and pilot organizations, the manager's amendment would potentially provide immunity to the entire aviation industry. This immunity provision is so broad that it would protect individuals who negligently fail to follow a safety standard even if that failure led to massive passenger deaths.

Madam Speaker, this is outrageous, and it essentially asks the airline passengers to put their lives in the hands of aviation teams which could possibly have no liability for any negligence that occurs during a flight. This is unnecessary because we already have in law the Volunteer Protection Act, which provides immunity only for volunteers. This amendment will interrupt the careful balance achieved through that act by giving volunteer organizations and others immunity as well.

The airline industry is free to purchase liability insurance to ensure that people are protected from the negligent acts of its employees. This amendment exempts the industry from having the responsibility for the safety of the public and its employees, and it is certainly not in the best interests of the flying public.

This rule should be defeated so that that amendment cannot be offered.

Mr. WEBSTER. I yield myself such time as I may consume.

First of all, I want to go back again to where we were. We are talking about a rule. We are talking about a process, a good process, that allows for amendments. I know that the other side is thinking, Wow, we've got to come in here and argue this bill. We've got to argue the underlying part. You don't. You've got plenty of time to do it because this rule will allow for good, lengthy debate, not only on the bill, itself, but also on the 33 amendments that have been offered.

I would encourage them to think about the fact that this rule is what we are voting on. This rule is a good rule and an open process, one that allows for every Member to participate. I would tell them, again, to vote for this rule. That's my response to any of the criticisms of this bill.

□ 1410

Yes, they're going to be addressed by an amendment. Come make your case, and see if you can pass it.

I would now yield 5 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. The gentleman from Florida is correct, Madam Speaker, that this is about the rule, and the Rules Committee serves a very important purpose because we have 435 Members.

When we come to the floor, you just can't have chaos. There has to be some structure. All Members are afforded the opportunity to speak if we go through our regular business.

Mr. MCGOVERN. Will the gentleman yield?

Mr. MICA. I won't at this time because I have very limited time and you have lots of time left, so I won't yield. And mine is limited.

And that's part of the process. Again, I was just yielded 5 minutes. So the Rules Committee sets the order of debate, how much time there shall be, how many amendments that are submitted.

Now, I've been here awhile. My family's been around Congress awhile. The last 4 years, for anyone to come and say that this is an unfair rule is so far from being accurate. Fifty amendments were offered. As the chair of the committee, I pay attention to the amendments. I went before the Rules Committee and asked that they carefully consider these; and what you want to do is make sure you don't have duplicate, you don't have nongermane, and be fair to Members so everybody gets a chance.

Some 48 were offered, 48 actually I understand. Thirty-nine were left after Members withdrew them. Thirty-three were accepted. That leaves six that they took out. If that's unfair in any way, it's hard to believe. So we have been fair. Mr. WEBSTER's been fair, Mr. DREIER's been fair. I've never seen a fairer process. And in the last 4 years, when the place was run under basically martial law, you couldn't bring amendments up.

Then, how did we get ourselves in this situation? For 4 years they had complete control of this body. They could have passed anything. But what did they do, they passed things but they passed so much and spent so much that the American people threw them out. They had enough votes in the House to pass anything. They had enough votes in the Senate to pass anything, and the last 2 years they've had a President that would sign anything.

This aviation bill, 17 times they did an extension. I was the chairman in 2003 when we did a 4-year bill. We did a 4-year bill. It expired in 2007. My bill expired that I helped draft and author in 2003, expired after 4 years in 2007. Seventeen times they left the aviation policy, the funding formula, all the programs for safety and everything go on the most erratic basis you could imagine. Seventeen extensions, costing the taxpayers millions of dollars. Go talk to the FAA administrator. And every time they did that, what they did to the disruption of one of the most important industries in the United States; 9.2 percent of our gross domestic product and activity is in the aviation industry, and they had 4 years to pass it. Unbelievable.

In less than 4 months, we've already worked with the United States Senate. They've passed the bill. We've passed it through two other committees, and now our Transportation and Infrastructure Committee is bringing it up here, under a fair rule, one of the most open rules with open participation by all Members on every side. So don't talk to me about fairness in rules. This is fair.

Let's get it done and pass this rule, get the people's business done and get people working in the United States of America, instead of more hot air passing through this Chamber.

Mr. MCGOVERN. I yield myself the balance of my time.

Madam Speaker, I am amazed by the comments of the gentleman from Florida when it comes to rules because when we were in charge of the House, I don't recall a single time where the gentleman came before the Rules Committee and did not advocate for an open rule. This is not an open rule.

Members who have ideas that they want to bring to the floor in response to amendments that are being offered will be denied that opportunity, and there is a restriction on the ability of Members to be able to participate in the debate. Under a true open rule, every Member would have at least 5 minutes, if they chose, to be able to talk on a bill. So it's interesting this revisionist history by the Republicans who promised open rules but have not produced a single open rule yet. That's just a fact, and we can spin it any way you want to, but you promised open rules, and we haven't seen a single one yet.

Now, as far as the bill goes, H.R. 658, one of the reasons why we are concerned is because this is a job-destroying bill. We should be obsessed in this Congress about protecting jobs and creating jobs; yet, what we have seen is attention being given to everything else but jobs. A couple of weeks ago, we spent a whole week on National Public Radio, should we defund National Public Radio when people are out of work. And here you bring a bill, H.R. 658, to the floor that will destroy American jobs with $4 billion in cuts that will have dire consequences for our Nation's infrastructure, jobs and economy.

The aviation industry, I will remind my friend, accounts for nearly 11 million American jobs and $1.2 trillion in annual economic activity. This Republican bill would cut the airport improvement grants for runway maintenance and safety enhancements by almost $2 billion, costing us 70,000 jobs, especially hurting small airports. The Senate measure, passed with a bipartisan majority, adds tens of thousands of jobs.

Now, there are cuts in this bill that would also lead to a reduction in safety personnel and delay important air safety initiatives, a bad choice for the flying public as highlighted by the recent Reagan National incident.

In February, the FAA administrator under President George W. Bush, Marion Blakey, stated that ''the prospect is really devastating to our jobs and to our future, if we really have to roll back to 2008 levels and stop NextGen in its tracks.''

This bill also eliminates essential air service for 110 rural communities needed to connect them with global commerce, support local jobs and spur economic growth. It's important to invest in our infrastructure in order to keep this economy strong.

And this bill, as has been said over and over again, extends the assault on American workers, collective bargaining, and the middle class to workers in the aviation and railroad sectors by overturning a rule for union elections which, as with other elections, calls for a majority of votes cast to win. This continues this pattern, this assault on American workers.

I ask my friends on the Republican side, when did the American worker become the bad guy? My friends on the other side go out of their way to protect Wall Street. Under their open process, when they brought up their H.R. 1, their bill that cuts all these essential programs, they wrote it in a way that it protected the taxpayer subsidies to big oil companies so we couldn't get at them. It protected all these special interest tax loopholes that are there for big business and big corporations. And after what happened to our economy, this mess that was created in large part by Wall Street, here we go again with this Republican majority attacking working families, workers.

Well, someone has got to stand up for working families and workers, and I'm glad that there are Members on my side of the aisle that are willing to do that. This controversial provision should not be in this bill. This is a throwaway to the extreme right wing, and it should not be in this bill.

Madam Speaker, let me close by saying we need to start talking about jobs and how we protect jobs and create jobs. This bill, because of the dramatic cuts in this bill, will destroy jobs. You want to find savings, go after taxpayer subsidies to the oil companies. You want to find savings, then if you're going to fight these wars, pay for it. You want to find savings, close some of these grotesque tax loopholes for the richest interests in this country. Instead, you go after things that help average American families, that go after American workers.

This is wrong. I urge my colleagues to vote against this rule, which is not open, and I urge my colleagues to vote against the underlying bill.

I yield back the balance of my time.

□ 1420

Mr. WEBSTER. I yield myself the balance of my time.

Madam Speaker, as you heard me say earlier, my Republican colleagues and I are committed to providing a more accountable, transparent, and open process than the minority allowed during previous Congresses. Today's bill is another step in that right direction, an

example of the House Republicans' commitment to reform the way things are done here in Washington. The underlying bill has bipartisan support, it went through regular order, and it was provided a structured rule to allow Republicans and Democrats alike to offer amendments, their ideas, in an open and honest debate.

While I am supportive of the underlying legislation, this vote on the rule that provides an open and transparent process, which allows 33 amendments from both sides of the aisle, where ideas and policy will rise or fall on the basis of their merit and not on any particular sponsor's party affiliation, this is what the American people expect in their elected officials.

I would like to introduce to you one of the new Americans that was born last night at 10:50. This is Claire. She is our seventh granddaughter, and we're excited about her. And she, just like the rest of the American people, believes that it is an expectation that is fulfilled by this rule, the rule that we have here before us, which is that we will have an opportunity to express ourselves in a real, transparent, open way on amendments and the underlying bill and have the opportunity to present ourselves and afford ourselves a chance to vote on each one of those proposals.

I encourage my colleagues to join me in supporting the passage of this rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the resolution will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 872.

The vote was taken by electronic device, and there were—yeas 249, nays 171, not voting 12, as follows:

[Roll No. 205]

YEAS—249

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—171

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—12

Barton (TX)
Braley (IA)
Campbell
Frelinghuysen
Giffords
Hanna
Maloney
Moore
Olver
Polis
Richmond
Rogers (KY)

□ 1445

Ms. BERKLEY and Messrs. PASCRELL and CARDOZA changed their vote from ''yea'' to ''nay.''

Messrs. FLORES, TIBERI, and HEINRICH changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REDUCING REGULATORY BURDENS ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 872) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GIBBS) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 292, nays 130, not voting 10, as follows:

[Roll No. 206]

YEAS—292

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Cardoza
Carney
Carter
Cassidy
Chabot

Chaffetz	Jones	Price (NC)
Chandler	Jordan	Quayle
Coble	Kaptur	Rahall
Coffman (CO)	Keating	Reed
Cole	Kelly	Rehberg
Conaway	Kind	Reichert
Costa	King (IA)	Renacci
Costello	King (NY)	Reyes
Courtney	Kingston	Ribble
Cravaack	Kinzinger (IL)	Richardson
Crawford	Kissell	Rigell
Crenshaw	Kline	Rivera
Critz	Labrador	Roby
Cuellar	Lamborn	Roe (TN)
Culberson	Lance	Rogers (AL)
Davis (IL)	Landry	Rogers (KY)
Davis (KY)	Langevin	Rogers (MI)
Dent	Lankford	Rohrabacher
DesJarlais	Larsen (WA)	Rokita
Diaz-Balart	Latham	Rooney
Dold	LaTourette	Ros-Lehtinen
Donnelly (IN)	Latta	Roskam
Dreier	Lewis (CA)	Ross (AR)
Duffy	LoBiondo	Ross (FL)
Duncan (SC)	Loebsack	Royce
Duncan (TN)	Long	Runyan
Ellmers	Lucas	Ryan (WI)
Emerson	Luetkemeyer	Scalise
Farenthold	Lummis	Schilling
Farr	Lungren, Daniel E.	Schmidt
Fincher	Mack	Schock
Fitzpatrick	Manzullo	Schrader
Flake	Marchant	Schweikert
Fleischmann	Marino	Scott (SC)
Fleming	Matheson	Scott, Austin
Flores	McCarthy (CA)	Scott, David
Forbes	McCarthy (NY)	Sensenbrenner
Fortenberry	McCaul	Sessions
Foxx	McClintock	Sewell
Frank (MA)	McCotter	Shimkus
Franks (AZ)	McGovern	Shuler
Gallegly	McHenry	Shuster
Gardner	McIntyre	Simpson
Garrett	McKeon	Sires
Gerlach	McKinley	Smith (NE)
Gibbs	McMorris Rodgers	Smith (NJ)
Gibson	McNerney	Smith (TX)
Gingrey (GA)	Meehan	Southerland
Gohmert	Mica	Stearns
Goodlatte	Michaud	Stivers
Gosar	Miller (FL)	Stutzman
Gowdy	Miller (MI)	Sullivan
Granger	Miller (NC)	Terry
Graves (GA)	Miller, Gary	Thompson (CA)
Graves (MO)	Mulvaney	Thompson (MS)
Griffin (AR)	Murphy (PA)	Thompson (PA)
Griffith (VA)	Myrick	Thornberry
Grimm	Neugebauer	Tiberi
Guinta	Noem	Tipton
Guthrie	Nugent	Turner
Hall	Nunes	Upton
Harper	Nunnelee	Walberg
Harris	Olson	Walden
Hartzler	Owens	Walsh (IL)
Hastings (WA)	Palazzo	Walz (MN)
Hayworth	Paul	Watt
Heck	Paulsen	Webster
Heller	Pearce	Weiner
Hensarling	Pence	Welch
Herger	Perlmutter	West
Herrera Beutler	Peters	Westmoreland
Holden	Peterson	Whitfield
Huelskamp	Petri	Wilson (SC)
Huizenga (MI)	Pingree (ME)	Wittman
Hultgren	Pitts	Wolf
Hunter	Platts	Womack
Hurt	Poe (TX)	Woodall
Issa	Pompeo	Wu
Jenkins	Posey	Yoder
Johnson (IL)	Price (GA)	Young (AK)
Johnson (OH)		Young (FL)
Johnson, Sam		Young (IN)

NAYS—130

Ackerman	Chu	DeGette
Andrews	Cicilline	DeLauro
Baldwin	Clarke (MI)	Deutch
Bass (CA)	Clarke (NY)	Dicks
Becerra	Clay	Dingell
Berkley	Cleaver	Doggett
Berman	Clyburn	Doyle
Bishop (NY)	Cohen	Edwards
Blumenauer	Connolly (VA)	Ellison
Brady (PA)	Conyers	Engel
Brown (FL)	Cooper	Eshoo
Capuano	Crowley	Fattah
Carnahan	Cummings	Filner
Carson (IN)	Davis (CA)	Fudge
Castor (FL)	DeFazio	Garamendi
Gonzalez	Lofgren, Zoe	Sánchez, Linda T.
Green, Al	Lowey	Sanchez, Loretta
Green, Gene	Luján	Sarbanes
Grijalva	Lynch	Schakowsky
Gutierrez	Markey	Schiff
Hanabusa	Matsui	Schwartz
Hastings (FL)	McCollum	Scott (VA)
Heinrich	Meeks	Serrano
Higgins	Miller, George	Sherman
Himes	Moore	Slaughter
Hinchey	Moran	Smith (WA)
Hinojosa	Murphy (CT)	Speier
Hirono	Nadler	Stark
Holt	Napolitano	Sutton
Honda	Neal	Tierney
Hoyer	Olver	Tonko
Inslee	Pallone	Towns
Israel	Pascrell	Tsongas
Jackson (IL)	Pastor (AZ)	Van Hollen
Jackson Lee (TX)	Payne	Velázquez
Johnson (GA)	Pelosi	Visclosky
Johnson, E. B.	Polis	Wasserman Schultz
Kildee	Quigley	Waters
Kucinich	Rangel	Waxman
Larson (CT)	Rothman (NJ)	Wilson (FL)
Lee (CA)	Roybal-Allard	Woolsey
Levin	Ruppersberger	Yarmuth
Lewis (GA)	Rush	
Lipinski	Ryan (OH)	

NOT VOTING—10

Barton (TX)	Frelinghuysen	McDermott
Braley (IA)	Giffords	Richmond
Campbell	Hanna	
Denham	Maloney	

□ 1455

Mr. RUPPERSBERGER changed his vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HANNA. Madam Speaker, I was unavoidably absent for votes. Had I been present, I would have voted "yes" on rollcall votes 205 and 206.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 658 and include extraneous materials in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore (Mr. WESTMORELAND). Is there objection to the request of the gentleman from Florida?

There was no objection.

FAA REAUTHORIZATION AND REFORM ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 658.

□ 1458

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the 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, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and amendments specified in House Resolution 189 and shall not exceed 1 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.

The gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes. The gentleman from Texas (Mr. HALL), the gentlewoman from Maryland (Ms. EDWARDS), the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

□ 1500

Mr. MICA. I yield myself such time as I may consume.

Madam Chairman, the legislation before us now, as the Chair has indicated, is the FAA Reauthorization and Reform Act of 2011.

During the discussion on the rule which brought the measure to the floor, I had an opportunity to speak on the fairness of the rule, and again I'll cite: Having been here for a number of years and observed the process for three decades, I rarely find any time in which everyone has had a fair opportunity to offer amendments. Some 48 amendments were offered before the Rules Committee. Thirty-three were accepted. Nine were withdrawn. So there are only six that were not considered—some for germaneness reasons, some for being duplicative—and also, in fairness, for Members to have an opportunity to participate. So, again, I think the process that we have come forward with is very, very fair. The process has been fair and bipartisan in the committee.

In the last 4 years, as the ranking Republican, Republican leader of the committee, I can count on probably less than three fingers the number of votes that we had over the 4 years. We had many more votes than that in the committee. It was an open process and people had the opportunity to participate.

I also spoke in the rule of how we got ourselves in this predicament. I had

the honor and privilege of being the chair of the Aviation Subcommittee after the beginning of 9/11 and through the fateful time of 9/11 for 6 years. In 2003, we passed the last authorization for FAA. Now, in order to operate the Federal Government and each of its agencies and activities, the Congress must authorize the programs, the policies, the agencies, the funding formulas, and the projects that are eligible for Federal participation.

As I also stated, the other side of the aisle for 4 years had huge majorities, could pass anything that they wanted to. Very large majority in the House, large majority in the Senate. And the last 2 years, indeed, they controlled the White House, the House, and the Senate. They could pass anything they wanted.

In 2007, the bill that I helped author, a 4-year authorization, expired. They did 17 extensions in 4 years. It's no wonder people don't have jobs. It's no wonder that people in the aviation industry don't know which way the Federal Government is coming or going. It's no wonder that you have some disarray in one of our most important agencies, the FAA. They had 4 years; we've had less than 4 months. We're bringing the bill out.

We've had a fair process in the committee, and we've had opportunity for people to offer amendments and will spend most of today and maybe part of tomorrow going through those amendments in, I think, an adequate time for debate. The bill does make some reductions in spending and it does take us back to the 2008 level of spending.

Now, the first thing you will hear from the other side is, Oh, the Republicans are cutting and slashing important FAA programs and safety and security and everything under the sun will be at risk. I can tell you that that's not the case. I can tell you that you can do more with less, and we can prioritize. In fact, in this bill, to make certain that safety is our primary concern—and it must be our primary concern—we have put specific provisions in here that if there are cuts or reductions—and heaven knows the FAA and the Department of Transportation certainly can have reductions in bureaucratic staffing. My dad used to say when he was alive, ''Son, it's not how much you spend; it's how you spend it.'' And it's just like that with personnel.

People say, well, we're not going to have enough air traffic controllers. We just had the incident out at Reagan. We had an air traffic controller with some 20 years' experience, 17 years at DCA, came to work I guess at 10 o'clock. There was somebody there until almost 10:30. So I understand he was there an hour and 28 minutes and either fell asleep or wasn't doing his duty. So, in Washington, what do they do? We've got to double up. We've got to have more employees.

Listen to this statistic. Since before 2001, we have a 21 percent decrease. If we go to 2001 to today, we have a 21 percent decrease in air traffic movements. Why? Because the industry has consolidated. We don't have as many flights. The economy is down. At the same time, we have an increase in 20 percent of staffing. If you look at airports around the country, you will see some with huge reductions in air traffic and still the same number of air traffic controllers. In this bill, we give some flexibility so you can hopefully move people around.

Now, I know there are labor agreements and it's hard to get people to move, and some people might not like the warm climes and beauty of Florida where the population has expanded—and Arizona and wherever else we need them—but, for heaven's sake, do we need to double up? Do we need to double up when there's no air traffic at these airports between midnight and 5 a.m.? That's the Washington big spending, big government. Let's add more.

So I can tell you that there's plenty of room for doing things responsibly, doing things with safety in mind. Now let's try a new approach with the best interests of the taxpayer.

They've spent some $5.3 billion in about 24 months more than we take in. We're on the verge of having our financial security of this Nation at risk and also threatening even the defense security of this Nation.

Again, 17 times they did these little hiccup extensions, costing millions of dollars. Just ask the FAA administrator; the recalculation, all the things that had to be done; the inability to move forward with safety programs, for that matter.

So I just want to make the point that we can accomplish what we've set out: a reduction in spending and, actually, better performance and better safety. I could give more examples. I don't have a lot of time.

We used to chase developmental programs, and the government would try to develop technology for air traffic control, and they take forever. And the private sector would develop technologies. They do it sooner, faster, better, with more capability, while we're still spending billions of dollars recklessly. And we reduced, actually, the amount of money in those developmental programs, and we actually have put out there the technology faster, better. So there are many areas, and I can't spend all my time talking about them.

This is a job creation bill. 9.2 percent of the gross domestic activity in this Nation depends on this industry. We count on this. As I said, in less than 4 months, the other body, the Senate, has already passed the bill. We're ready to go to conference. We've asked for one extension to accomplish this. And this bill has excellent provisions.

Finally, you will hear them moan and groan about some labor provision that someone described that we're taking away democratic rights and all of this for union members. It couldn't be further from the truth. We have had 70-some years of rules organizing for labor where we've always had a majority of those who were affected have to vote in a union. Now they want to change it to whoever shows up. They have multiple elections. And that's what they're asking for.

The little caveat here—and I hope everyone is listening, Madam Chair. What they didn't do is to decertify to get out of the union. They left the old rule in place. There has to be a majority of everyone who's affected.

They'll tell you that they didn't let women vote and all this a long time ago, try to mix up the topic at hand and confuse people, but you can't think of a more unfair rule than a packed National Mediation Board has enacted. Unfair, easy to enter in, cut the provisions for entering in, and then put a barrier up to get out.

Again, I think this is an excellent program. It gives us opportunities to look at contract towers and then air traffic control, NextGen, the next generation of air traffic control. We can do better. We can get technology in place. We'll probably have to use fewer people. And we'll always know where the planes are if we can move this legislation forward that, again, has been on the shelf for some 4 years.

There are excellent provisions in this legislation. I feel confident that it deserves the support of the House, and we'll have fair and open debate on amendments.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, March 29, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 658, the FAA Reauthorization and Reform Act of 2011.

H.R. 658 was favorably reported by the Committee on Transportation and Infrastructure on March 10, 2011 and sequentially referred to the Committee on Science, Space, and Technology. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. This, of course, being conditional on our mutual understanding that Title X of the legislation reported by your Committee will be removed from the legislation and provisions regarding research and development activities at the Federal Aviation Administration developed by the Committee on Science, Space, and Technology will be included in the legislation considered on the Floor. However, agreeing to waive consideration of this bill should not be construed as waiving, reducing or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Further, I request your support in the appointment of conferees from the Committee on Science, Space, and Technology during any House-Senate conference convened on this, or any similar legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of the bill on the House floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

RALPH M. HALL,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 29, 2011.

Hon. RALPH M. HALL,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 658, the ''FAA Reauthorization and Reform Act of 2011.'' The Committee on Transportation and Infrastructure recognizes the Committee on Science, Space, and Technology has a jurisdictional interest in H.R. 658, and I appreciate your effort to facilitate consideration of this bill.

As you wrote in your letter, we have agreed to strike Title X from the Transportation and Infrastructure Committee reported H.R. 658. Provisions regarding research and development activities at the Federal Aviation Administration developed by the Committee on Science, Space, and Technology will be included in the legislation considered on the House Floor.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Science, Space, and Technology with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 658 in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Science, Space, and Technology as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 23, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA, I am writing concerning H.R. 658, the ''FAA Reauthorization and Reform Act of 2011,'' which is scheduled for floor consideration next week. As a result of your having consulted with us on provisions in H.R. 658 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to forego action on this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 658 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 658, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 23, 2011.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 658, the ''FAA Reauthorization and Reform Act of 2011.'' The Committee on Transportation and Infrastructure recognizes the Committee on the Judiciary has a jurisdictional interest in H.R. 658, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 658 in the CONGRESSIONAL RECORD during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on the Judiciary as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

I reserve the balance of my time.

□ 1510

Mr. RAHALL. Madam Chair, I yield myself such time as I may consume.

Madam Chair, it was just last week two airliners landed at Washington National Airport without landing clearances because apparently the single person in charge of the control tower fell asleep. While investigations are ongoing, we certainly have seen accidents in the past where controller staffing and fatigue were implicated, such as the August 2006 crash of Comair Flight 5191 in Lexington, Kentucky.

So I was surprised when some of my Republican colleagues used this most recent incident at Washington National Airport as an opportunity to argue that the FAA should ''do more with less.'' Do more with less: that's how the Republicans think the FAA will operate under this bill. When we're talking about investing in air traffic control modernization or regulating safety or hiring a sufficient number of safety inspectors, there's no such thing as ''doing more with less.''

Under this bill, the FAA will have to do less with less, and you would have to be asleep at the controls not to see that.

The FAA is primarily a safety agency, and virtually all of its activities are safety related. As last week's incident should make clear, now is not the time to arbitrarily cut almost $4 billion from the FAA programs and argue that the agency can do more with less on safety. A long-term FAA reauthorization bill must move the aviation system into the 21st century, create jobs, strengthen our economy, and provide the resources necessary to enhance safety. This legislation, unfortunately, does not meet those goals. It will require significant changes before it can be enacted into law, and therefore I cannot support it.

One thing we should all be honest about right now: this is not a jobs bill. The bill cuts FAA funding by billions of dollars, back to 2008 levels. You cannot cut funding so dramatically without destroying tens of thousands of jobs: Federal jobs, State jobs, local jobs, public and private sector jobs.

In addition to costing jobs, the bill's funding cuts would cause delays to air traffic control modernization, meaning more delayed flights, a reduction of FAA's safety workforce and delays to FAA safety rules.

Now, aside from the funding levels, there are two particular issues that preclude my support for this bill. The first is that the bill sunsets the Essential Air Service program for the lower 48 States in 2013, leaving behind about 110 communities across the country. Yet at the same time, the bill extends airport improvements to the Marshall Islands, Micronesia, and Palau. We do not even own them. They are independent countries.

Now, I do understand the reasons for providing airport improvement funds to these island nations. We do have a compact with them. But in seeking to keep faith with our agreements with those countries, the majority is more than willing to break the promise to rural America right here at home that was made under the Airline Deregulation Act and the FAA reauthorization bills that followed.

EAS is a vital lifeline between rural communities and the global network of commerce. Small and rural communities have grown up around EAS, which directly supports local jobs. It creates a flow of goods and commerce into and out of small-town America. It brings families together. It links four communities in my home State of West Virginia with other cities and towns around the country and around the world.

Essential Air Service is an investment; it's not a handout. It is an investment in jobs and economic growth for small towns. The majority is turning its back on small towns and rural America.

I will continue to work with my colleagues in a bipartisan fashion to honor the promise that Congress has made to the people in rural America. I recognize the job-protecting benefits of the EAS program and the value of critical Federal investment for rural communities.

Now, before I conclude, there's another section that has no business whatsoever being in this bill, and that is a provision that seeks to overturn a rule finalized by the National Mediation Board on fair union representation in elections. The rule did away

with an unjust and undemocratic requirement under which a supermajority of airline and railroad workers had to vote in favor of union representation before a union could be certified to represent them at the bargaining table. Non-votes were counted as ''no'' votes, even though there was no reason to conclude workers were against union representation because they were sick or on furlough and did not vote.

The new rule, which this bill would overturn, says that the mediation board must count the votes among those employees who voted and must determine the will of the workers according to the ''yes'' and ''no'' votes actually cast. Now, just as congressional elections turn on a majority of those who voted, union representation elections should reflect the will of the voters.

This is a poison pill provision. A provision to overturn that rule simply has no business being in this legislation. It has nothing to do with safety. It has nothing to do with improving our air transportation system. And it has absolutely nothing to do with making air service more efficient. Rather, it is a lightning rod of controversy, part of a concerted assault, as we've seen too often this year, on collective bargaining. Republicans and Democrats alike have opposed it. It barely survived in the committee markup by a single vote. This unprovoked and unnecessary provision has no place in such critically needed legislation to keep the FAA moving forward and the flying public safe.

When it comes to doing more with less, my friends on the other side of the aisle are correct about a few things, I have to admit, when it comes to the pending legislation:

More than 70,000 jobs lost with less funding for the AIP program. More risks to the traveling public with less safety personnel and initiatives. More assaults on collective bargaining rights for American workers. More controversial poison pill provisions with less focus on job creation and safety enhancements.

Yep, that's doing more with less.

With warning lights flashing and alarm bells ringing, we cannot afford to go to sleep at the controls at such an important time for our aviation system.

I reserve the balance of my time.

Mr. MICA. Reminding everyone that we're borrowing 42 cents out of every dollar, I am pleased to yield 4 minutes to the chair of the Aviation Subcommittee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my chairman.

The legislation before us, H.R. 658, reauthorizes the safety and research programs, operations, airport grants, and funding for the Federal Aviation Administration for budget years 2011 through 2014. It's a 4-year reauthorization, with no earmarks, that will result in savings and in greater efficiencies.

The bill funds the FAA at the fiscal year 2008 funding levels and will save $4 billion compared to the current levels. These funding levels recognize the state of the Federal budget, but should not affect vital safety functions.

The FAA Administrator is directed to achieve required cost savings without cutting safety critical activities. The bill requires the FAA to find and eliminate wasteful processes, duplicative programs, and unnecessary practices.

□ 1520

Given current economic times, there is a need to put our limited resources where they are most needed and use them efficiently. Although we cannot do all that we may have wanted to, when facing budget cuts, difficult decisions have to be made. We have worked to preserve the ability of the FAA to conduct its safety functions—its most important mission and our number one priority.

The bill will phase out the Essential Air Service Program by 2013, resulting in $400 million in savings. The Essential Air Service Program was originally created in 1970 as a temporary program in the wake of airline deregulation. It was intended to allow airports to adapt to the change in the aviation industry and to plan accordingly. However, over the years, this program has resulted in taxpayers having to pay millions of dollars in subsidies to provide air service to communities even as passenger enplanements have declined as other modes of transportation have become available.

With regard to NextGen, H.R. 658 streamlines processes and provides sufficient funding, with FAA pursestring tightening, to fund NextGen projects planned in the next 4 years. H.R. 658 sets strict goals and benchmarks, and includes other measures to accelerate NextGen in order to keep the momentum going. NextGen is critical to the U.S.'s ability to compete in the global aviation system by providing safer and more efficient and environmentally friendly operations.

The bill allows for the expansion of the cost-effective Contract Tower Program, which has the potential to save, roughly, $400 million over 4 years. In addition, the legislation provides a clear and efficient process for the FAA to rapidly achieve benefits associated with the consolidation of old, obsolete and unnecessary FAA facilities, with enormous potential savings.

I would like to commend Chairman MICA for his efforts in developing this bill and moving it through the committee.

Also, while we may have differences on a few provisions, there is much in this bill that has bipartisan support. I look forward to continuing to work with my aviation partner, Representative JERRY COSTELLO, and with our ranking member, Representative NICK RAHALL, in getting agreement with the Senate so that we can finally send a bill to the President.

I urge my colleagues to support H.R. 658.

Mr. RAHALL. Madam Chair, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO), our leading Democrat on the Aviation Subcommittee who has been in the trenches, on the runways, and in the towers of this legislation for many years. He has been with the takeoffs and the landings of so many extensions.

Mr. COSTELLO. I thank the ranking member for yielding to me and for his kind remarks.

Madam Chair, we all agree that we need a long-term FAA Reauthorization Act. The FAA and the aviation community need stability and direction that a multi-year authorization will provide. However, it's not this bill.

It is important for Members to know that H.R. 658 is a different FAA reauthorization bill from the bipartisan legislation that my colleagues and I worked together on and that passed the House three times during the 110th and 111th Congresses. That legislation would have created jobs, improved aviation safety, and provided the FAA with the resources necessary to modernize airport and air traffic control infrastructure. However, while some aspects of H.R. 658 were in prior House-passed bills and reflect some of my priorities, there are many troubling omissions and newly added provisions in the bill that are unacceptable.

I think we all agree that we must make every effort to be fiscally responsible and cut Federal spending where it makes sense given the size of the deficit. At the same time, we also have a responsibility to the American people to keep our aviation system safe and secure, to make needed improvements to our infrastructure, to strengthen the economy, to create jobs, and to remain competitive. However, I share the concerns of those in the industry that this legislation includes funding cuts that will affect safety and put the flying public at risk, devastate the FAA's Next Generation Air Transportation System air traffic control modernization effort, and ignore the need to strengthen our economy by creating jobs.

On the jobs issue, let me make it clear. Mr. RAHALL said it and I'll say it again: This bill does not create jobs. Instead, it cuts, roughly, $2 billion over the next 4 years in the FAA's Airport Improvement Program. The AIP provides funding to airports across the country for infrastructure projects, such as runways and air traffic control towers, and these projects create well-paying construction jobs. A $2 billion decrease in funding in this bill means about 70,000 jobs will be lost. I will repeat that: 70,000 jobs will be lost because of the $2 billion cut in AIP funds. In fact, it leaves so little AIP discretionary funding available that even the most important projects, such as completing runway safety areas by the congressionally mandated deadline, cannot be funded.

Second, my Republican colleagues argue that H.R. 658 directs the FAA to prioritize and to protect safety-related activities within the bill's reduced funding levels. That sounds great, but all the evidence suggests that it can't be done.

In February, the House Aviation Subcommittee held an FAA reauthorization hearing to listen to the aviation industry's stakeholders. The unified message from the industry was loud and clear: Congress cannot roll back FAA funding to 2008 levels without harming safety programs or hampering the industry. President Bush's former FAA administrator, Marion Blakey, stated, ''The prospect is really devastating to jobs and to our future if we really have to roll back to 2008 levels and stop NextGen in its tracks.''

A jobs bill? I don't think so—and neither does the person who ran the FAA under the Bush administration.

The FAA is primarily a safety agency, and virtually all of its activities are safety-related. This Congress and the American people need to know that, if we arbitrarily cut $1 billion a year out of the FAA's budget, it absolutely will affect safety. The agency will not do more with less. It will be forced to do less with less, and cuts to these funding levels will have serious consequences.

According to the FAA, the funding reductions in this bill will cause the agency to furlough the aviation safety workforce by hundreds of employees. Fewer safety inspectors, engineers, and support personnel will adversely impact air traffic services, aviation safety certifications and the implementation of NextGen, which will end up costing the taxpayers more in the long run and cause our aviation industry to be less competitive globally.

In addition, a reduction in the workforce will likely mean the delay of important safety regulations, such as those mandated by Congress in the new aviation safety law that was enacted last year in a bipartisan vote in response to the Colgan Flight 3407 tragedy in Buffalo, New York. Further, this legislation will force important safety-related airport improvement projects to be delayed or abandoned, such as wildlife hazard assessment. These types of assessments would help airports mitigate hazards like the one that brought down U.S. Airways Flight 1549 in 2009 in which Captain Sullenberger and First Officer Skiles were forced to land in the Hudson River because a flock of geese damaged the plane's engines.

As Mr. RAHALL indicated, just last week, two planes landed safely, without clearance, at Washington National Airport because, reportedly, a single person in charge at the control tower apparently fell asleep. While investigations are ongoing, we have certainly seen accidents in the past where air traffic control staffing and fatigue were a factor, such as in the August 2006 crash of Comair Flight 5191 in Lexington, Kentucky.

I applaud Secretary LaHood's decision to reevaluate staffing needs throughout the country. Congress will also need to closely examine air traffic control staffing and fatigue going forward; but this incident should make it clear: Now is not the time to arbitrarily cut almost $4 billion from FAA programs and argue that the agency can do more with less without compromising safety.

I know Mr. RAHALL and others have talked about a provision in the legislation that I believe, too, is a ''poison pill.'' I will not go into all of the details as we will have an amendment later; but let me just say that the LaTourette-Costello amendment, I hope, will be supported by the Members of this body. It is a ''poison pill'' provision, section 903 in this legislation, that is certain to hold the legislation up in the Senate. There is no way that I see the Senate will act on that provision, and the White House, of course, has already issued a statement saying that the President will receive recommendations from his advisers to veto the bill.

□ 1530

If we are serious about passing a long-term FAA bill, this provision must come out. If it remains in the bill, it will be rejected by the Senate and the White House.

Madam Chair, I will again say—and I have said many times before—I will work with my colleagues across the aisle to produce a fair bill that cannot only pass the House but also pass the Senate and be signed into law by the President. H.R. 658 in its current form will not pass the Senate or be signed into law by the President and will require significant changes before it's enacted.

Finally, Madam Chair, let me address a couple of comments that my friend the chairman of the full committee led off with in his remarks. He indicated that the Democrats when we were in charge for all of these years and we weren't able to pass legislation, we had to have 17 extensions. I would remind my friend that both in 2007, 2009, and in 2010 we passed bipartisan legislation to reauthorize the FAA. It was our friends in the Senate, in fairness, that held the legislation up. It took them 3 years to pass an FAA reauthorization bill, and in fact, as my friend from Florida will remember, it was the two Senators from Tennessee that held the bill up in the Senate, and it was two issues that were held up in the Senate, and those issues involved both PFCs and DCA, the number of slots at Washington Reagan National airport.

Madam Chair, I urge my colleagues to vote ''no'' on H.R. 658, the FAA Reauthorization and Reform Act, and hope that after we reject this bill we can go back and get a bill that accomplishes what we set out to do in the legislation, the bipartisan legislation that we passed last year.

Mr. MICA. Madam Chair, can I inquire as to the amount of time remaining on each side?

The CHAIR. The gentleman from Florida has 5½ minutes remaining. The gentleman from West Virginia has 4 minutes remaining.

Mr. MICA. Madam Chair, I would ask unanimous consent to yield 2½ minutes of my time to the gentleman from Pennsylvania and allow him to control it for the purpose of a colloquy.

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania will control the time, 2½ minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, as you know the EAS program was established to ensure that smaller communities across the country, including those in my congressional district, retain a link to the national air transportation system. I also understand that we have a severely constrained Federal budget, and I agree with the chairman that we must do more with less and we need to ensure that Federal programs actually make sense.

As a member of the committee, I look forward to working with the chairman to get this long overdue FAA bill to the President's desk for signature, and I look forward to working with the chairman to make the needed changes to the EAS program.

I would now yield 30 seconds to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Essential Air Service assists over 140 communities throughout the United States. EAS, Essential Air Service, works.

Let me talk about two airports, real quick. Williamsport, Pennsylvania. It was on EAS. It needed it to get their deployments up, and frankly, what's happened, it's been successful. It's now off of EAS. The program works. These folks are now operating without that.

Dubois, Pennsylvania. Their deployments are growing at this point, and they are on the right track. The EAS is serving the correct purpose of what it has. If EAS stops and ends, here is what ends in Dubois, Pennsylvania: private sector jobs totaling $9 million in payroll and $28.8 million in economic activity.

I just do my best to encourage the support of the Essential Air Service. I do think it's very important for rural America.

Mr. SHUSTER. I agree with the gentleman.

I yield 30 seconds to the gentleman from North Dakota (Mr. BERG).

Mr. BERG. This bill will ensure the much-needed long-term stability and development of our Nation's aviation infrastructure. However, I am incredibly concerned about the provision in this bill that would phase out Essential Air Service. EAS is critical to large States like my own. Rural regions rely on EAS for vital air transportation. In North Dakota, airports like Jamestown

and Devil's Lake would not be able to provide critical air service without this support.

I've spoken with Chairman MICA, and I understand the need for the process to keep moving forward with this bill. This bill contains many good provisions that I support. I also know how vital rural access to essential aviation is. So I would ask the gentlemen from Florida and Pennsylvania if they'd commit to working with me and other Members to support the EAS program.

Mr. SHUSTER. I thank the gentleman from North Dakota.

I yield 30 seconds to the gentlelady from South Dakota (Mrs. NOEM).

Mrs. NOEM. I thank the gentleman for yielding.

Madam Chair, we have spent the last 3 months debating the need to get spending under control, and it's a good thing. That's why my constituents sent me here, and that's what I plan to continue to do.

But we also need to remember that we need to look to get spending under control and help our economy and create jobs. A large part of that is providing certainty for the American people, and like many of my colleagues, I represent the rural parts of America. Many of them are concerned with the uncertainty that removing this program, Essential Air Service, too quickly would bring. Many of the communities in rural America, including those in South Dakota, that rely on this program use it as an economic development tool. They understand that they won't be using EAS forever.

But I'm concerned, Madam Chair, that we may not be providing them with the time that they need to plan under this bill. This issue deserves additional consideration. I hope that as we move forward with conference conversations with our Senate colleagues that this is given much more careful consideration, and I look forward to working on it with them.

Mr. SHUSTER. I thank the gentlelady from South Dakota.

I look forward to working with the chairman, the gentlelady from South Dakota, and the gentlemen from Pennsylvania and North Dakota as the bill moves forward on EAS.

Mr. RAHALL. Madam Chair, I would defer to the Committee on Ways and Means.

Mr. BLUMENAUER. I would claim the time for Ways and Means.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Chairman, I yield myself such time as I may consume.

I have appreciated the debate here on the floor talking about the essential services that are included in the FAA reauthorization, but sadly, some of the consequences are for significant cuts in vital services—I hear some of my friends talking about Essential Air Service. It impacts my State. We're looking at significant reduction in airport construction, and as we've heard, it would stop NextGen, as the former administrator under the Bush administration was quoted as saying, ''in its tracks.'' But Madam Chairman, it doesn't need to be this way. We can, in fact, respect the concerns about not adding to the deficit without shortchanging these essential programs.

Our friends in the Senate, have provided one of those rare occasions where the other body has shown us the way. They have passed in the last year, with 93 votes last year and 87–8 votes already in this session, a reauthorization that actually adds revenues, but not general taxes, but there's been an agreement that has reached overwhelming consensus. You don't get 87 votes out of the other body for raising revenue unless there's broad acceptance with the industry, with those who are regulated and those who are concerned about preserving these essential services. There's an agreement within a broad swath of the industry to increase the fuel tax, a user fee for the people who benefit.

Another critical area that the bill is silent on, and in fact we haven't adjusted for 10 years, is the ceiling on the passenger facility charge. This isn't even a tax that Congress imposes. It is simply an authorization for what local authorities can decide makes sense for their vital programs.

Madam Chair, we don't have to choose between tens of thousands of jobs lost, putting the traveling public at risk, delaying essential efficiency improvements, and cuts to vital programs or increasing the deficit. We can simply move forward with simple, commonsense, broadly agreed upon proposals to adjust revenues to have the flexibility, to make the investment that's going to make a difference for years to come, and make the difficult job of the chair and the ranking member and the two subcommittees, to make that difficult job much easier.

□ 1540

I reserve the balance of my time.

Mr. MICA. Madam Chairman, I am pleased to yield 3 minutes to the very distinguished gentleman from Tennessee (Mr. DUNCAN), the chair of the Highways Subcommittee of the Transportation and Infrastructure Committee.

Mr. DUNCAN of Tennessee. I thank the gentleman from Florida for yielding me this time.

I rise in support of this bill and commend Chairman MICA and Chairman PETRI because, as a former chair of the Aviation Subcommittee, I know how difficult it is to bring all the competing interests together to produce a bill such as this.

However, I would like to raise one issue that I still have some concerns about. It has been brought to my attention by a former outstanding Member of this body, Jim Coyne, a former Congressman from Pennsylvania who has been the long-time head of the National Air Transportation Association, that some airports are engaging in activities that compete with privately owned fixed-base operators. I did not file an amendment because the chairman has graciously agreed to hold a formal roundtable discussion about this matter and begin working to make sure that this does not become commonplace.

I hope that this is not a trend that will continue because privately owned businesses should not have to compete with the government or quasi-governmental agencies, such as airport authorities, which do not pay taxes and are not subject to all of the rules and regulations that private businesses are.

Each time there has been a White House Conference on Small Business—and they have held one on average every 5 years since 1955—either the number one concern or one of the top three concerns at all these White House Conferences on Small Business has been freedom from government competition.

Madam Chair, since the Eisenhower administration in 1955, it has been U.S. policy—or was supposed to have been—that ''government should not start or carry on any commercial activity to provide a service or product for its own use if such a product or service can be procured from private enterprise through ordinary business channels.'' So that is my concern, and we are going to continue working on that.

I also want to mention a very commonsense amendment that will be filed later by Mr. SHUSTER on behalf of myself and Mr. MEEHAN, my two colleagues from Pennsylvania. This amendment that we will be filing does two very simple things: it states that the FAA should not use a one-size-fits-all approach when considering new regulations. It also requires the FAA to take into consideration the cost it is imposing on the private sector when issuing new regulations.

This amendment simply codifies much of an executive order issued by President Obama on January 18 of this year. Quoting from the President's executive order, it said our regulatory system ''must be based on the best available science. It must allow for public participation and an open exchange of ideas. It must promote predictability and reduce uncertainty. It must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends. It must take into account benefits and costs, both quantitative and qualitative.''

In addition, FAA Administrator Randy Babbitt has stated that a one-size-fits-all approach to rulemaking can make aviation less safe. There are different segments of the aviation industry that face very different challenges. I believe that by tailoring the regulations toward these different segments of the industry, we can make aviation safer by helping address the different challenges that different types of businesses face.

Finally, I would like to say that I agree with the chairman about overstaffing with regard to our aviation regulation. I am amazed, Madam Chair, at how many Members and private citizens have expressed concerns about TSA overstaffing and have mentioned the lines of thousands standing around. The number of screeners has gone up, as I understand it, from 16,000 prior to 9/11 to 61,000 now. That is simply far, far too many; and that needs to be looked into. And I know the chairman intends to do that. I urge my colleagues to support this legislation.

Mr. BLUMENAUER. Madam Chair, may I inquire as to the amount of time remaining for Ways and Means.

The CHAIR. The gentleman from Oregon has 2 minutes remaining.

Mr. BLUMENAUER. Madam Chair, I would ask unanimous consent that these 2 minutes be assigned to the gentleman from West Virginia (Mr. RAHALL).

The CHAIR. Without objection, the gentleman from West Virginia will control the time.

There was no objection.

Mr. RAHALL. Madam Chair, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), the lead Democrat on our Highways and Transit Subcommittee.

Mr. DEFAZIO. Unfortunately, this legislation, under the guise of being fiscally prudent, is going to delay vital safety and capacity needs and enhancements to our aviation system, condemning future air travelers to even more congestion, more delays, more wasted fuel. It's going to cut an already inadequate inspection force—again, threatening safety. And then there are other provisions that are problematic.

The gentleman from Arizona may ask for a vote on an amendment to change the very fair and competitive slot language for National Airport in the bill into an unfair earmarked anticompetitive amendment that would give potentially 70 percent of long distance flights out of National Airport to two airlines, about 50 percent to one airline. And he calls it competition. Now I don't know what planet he's from, but that's not competition where I come from, an underserved west coast market that has very few opportunities for my people to access National Airport.

And then, finally, a labor provision that was thrown in rather gratuitously that says that anyone who chooses not to vote in an election will be counted as a ''no.'' The interesting thing is, if we had that same standard for elections to the United States House of Representatives, not one single Member now sitting would have won their election because it's not just the people who are registered to vote. It's anybody who is eligible to vote. And if they don't vote or don't register to vote, they count as a ''no.'' I mean, some people might be happy, there would be no House of Representatives. But at least the sitting Members would not be here. They want to apply that standard to representation for labor unions. That's incredibly unfair, shortsighted, and would overrule the National Labor Relations Board.

Finally, Essential Air Service. We are supposed to have a system of universal air transport. It is critical to many small and developing communities, rural communities like I represent, to have a continuation of Essential Air Service.

Mr. MICA. Madam Chairman, I understand that the Ways and Means Committee is in markup. I would like to ask unanimous consent to claim their time, I believe that is 5 minutes on our side, that the Transportation and Infrastructure majority be permitted to claim that time.

The CHAIR. Without objection, the gentleman from Florida will control the 5 minutes allotted to the Ways and Means Committee.

There was no objection.

Mr. MICA. Madam Chairman, I am so pleased to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. COBLE), one of the senior members of the T&I Committee and a leader on the Judiciary Committee.

Mr. COBLE. I thank the chairman for yielding.

I rise in support of this bill, which is financially sound and with no tax or fee increases. Simply put, the measure is long overdue, and the aviation sector needs certainty. We need to finish the task at hand. The manager's amendment considered later today includes language that will provide clarity for musicians who travel with small instruments. And I'm not talking, Madam Chair, about stand-up basses or harps.

Current policy varies from airline to airline as to what instruments are permitted onboard. The amendment strikes a delicate balance to ensure musicians can attain certainty and safety is ensured. I am appreciative to the gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) and to all staff who worked with me on this provision, and I thank them for its inclusion.

I also support an amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) that will help FAA regulations conform to reasonableness and reality. This amendment requires the FAA to recognize distinctions between sectors of the aviation industry and tailor regulations to each sector's facts. It also conforms FAA rulemaking to a number of good-government principles, such as cost-benefit analysis, use of the best available information, and consideration of regulatory impacts on the economy.

Finally, later today there will likely be vigorous debate on recent action by the National Mediation Board on labor elections. Under previous guidelines, a majority of the eligible electorate must vote in favor of unionization. Under the new rules, this majority is defined by those who actually vote in elections. This action overturns precedent that has been in place for the past 70 years that worked well. This issue is about fairness to all parties and, in my opinion, the appropriate way forward is past policy, not those in place today.

□ 1550

Mr. RAHALL. Madam Chair, I yield 2 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of our Committee on Transportation and Infrastructure.

Mr. NADLER. Madam Chairman, this bill drastically cuts funding for FAA programs, threatening the development of the NextGen air traffic control system and requiring the furlough of hundreds of safety-related employees.

The bill also would change the National Mediation Board's election rules. Airline and railroad workers would no longer vote for union representation by a majority of those voting but by a majority of all those eligible to vote. It would be extremely undemocratic to thus count votes not cast as ''no'' votes. No election in any free country does so. And I urge my colleagues to support the LaTourette-Costello amendment to strike this provision.

I also oppose provisions in the manager's amendment providing liability immunity for the airlines and limitations on discovery. Section 336 would block access to safety-related data through discovery and would block use of such information in court. It is virtually unheard of for Congress to simply declare that broad categories of information cannot be obtained by a party to a lawsuit or even used as evidence in a legal proceeding.

Section 337 provides immunity to airlines and their agents for any type of damage resulting from an event contemplated by a safety management system. These systems are designed to analyze virtually every kind of risk, so granting this immunity would make it virtually impossible to hold an airline or individual accountable for negligence causing almost any accident. This liability shield would deprive injured victims of their rights and would also preempt State tort law.

We haven't held any hearings on this in the Transportation Committee or in the Judiciary Committee, which, frankly, has jurisdiction and the proper expertise with which to analyze such grants of immunity, and we haven't heard any evidence to justify these dangerous restrictions.

I find it hard to believe that anybody thinks that airlines should be allowed to act with negligence and be free from liability should you or I or any other American be injured or maimed or killed as a result of the negligence.

For all these reasons, I must oppose the bill.

However, I do want to thank Chairman MICA and Congressman COBLE for including language in the manager's amendment to strengthen the provisions guaranteeing the right to carry or check musical instruments onto an

airline. This is an issue I've worked on for many years, and I am very pleased to see it finally moving forward.

I hope that we can continue to find areas of agreement, since passage of a long-term FAA authorization bill is long overdue. I look forward to working with my colleagues in that spirit. But until the funding levels are increased, the safety and worker provisions are in place, the poison pill provisions about union votes are removed, I cannot support this bill.

Mr. MICA. Might I inquire as to how much time remains?

The CHAIR. The gentleman from Florida has 3½ minutes remaining. The gentleman from West Virginia has 2 minutes remaining.

Mr. MICA. I would like to reserve my time that I acquired on behalf of the Ways and Means Committee to close and, I believe, if it's appropriate, have the Science Committee, which I think is yielded 5 minutes on each side, go forward prior to my close.

Mr. HALL. I yield myself such time as I may consume.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HALL. Madam Chair, I rise in strong support of H.R. 658, legislation reauthorizing the Federal Aviation Administration through fiscal year 2014.

Title X of H.R. 658 reauthorizes the agency's research and development programs. It was drafted by the Committee on Science, Space, and Technology as H.R. 970, the Federal Aviation Research and Development Reauthorization Act of 2011. On March 17, the committee met, amended and approved H.R. 970. The rule accompanying H.R. 658 fully incorporates the language from our amended bill into title X, which we support.

With regard to funding, title X adheres to the same principles of the larger bill, providing authorization levels for the Research, Engineering and Development account at the fiscal year 2008 level for the fiscal years 2012 through 2014. For fiscal year 2011, the authorization is a hybrid of current spending under the continuing resolution and the FY 2008 level.

Further, our bill authorizes spending for research and development activities that are funded through the agency's Facilities and Equipment and Airports accounts. None of our members relish cutting R&D funding, but members on our side of the aisle were passionate in their belief, as I am, that we must reduce Federal spending, and the FAA, like every other Federal agency, must bear some burden and some measure of burden.

Research and development plays a critical role at FAA, providing the agency with the tools and technologies it needs to carry out a diverse set of missions. The largest R&D program currently underway supports development of a whole host of technologies required to ensure successful deployment of the Next Generation Air Transportation System.

R&D also is fundamental to FAA's role in the safety of air travel, giving the agency the insight and data required to develop tools and policies guiding the introduction, use and the maintenance of new materials and systems incorporated in the modern jet aircraft.

These technologies are necessary if we're to continue improving the national airspace system's safety, efficiency and security, especially considering the critical role now played by aviation in our Nation's economy and public safety.

In addition, title X directs FAA to undertake research in a number of areas, including the safe operation of unmanned aircraft systems in the national airspace, research on runways and engineered material restraining systems, research on developing unleaded fuel for the use in general aviation piston engine aircraft and on the development and certification of jet fuel from alternative sources, and research on the effects of aviation on the environment.

There are many other activities too numerous to mention here, but I did want to provide examples to Members of the broad sweep of FAA-sponsored R&D.

Finally, I understand Chairman MICA's amendment offered to the bill seeks to modify certain provisions while also adding a few. A specific provision amends existing law found in title 51 of the United States Code regarding the Office of Commercial Space Transportation. I support the goal of this language with the understanding that the inclusion of this language does not alter the jurisdiction of my committee on this issue and that the chairman of the Transportation and Infrastructure Committee will work with us to ensure this provision or similar provisions are preserved, they are preserved as we continue to move through the legislative process on H.R. 658, including any negotiations or conference with the other body.

Madam Chair, in closing, I want to urge all Members to support this bill.

I reserve the balance of my time.

Ms. EDWARDS. Madam Chair, I yield myself such time as I may consume.

The CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. The need for a long-term Federal Aviation Administration, FAA, reauthorization act is clear; but H.R. 658 reauthorizes the FAA for 4 years, and the arbitrary spending cuts that our Republican colleagues have imposed on the agency in H.R. 658 will devastate FAA's ability to improve flying safety and to modernize the Nation's air traffic control system. For this reason, unfortunately, I cannot support the bill.

H.R. 658 proposes a 23 percent—an unbelievable 23 percent—cut to FAA's research, engineering and development accounts from the funding levels enacted by Congress for fiscal year 2010. These cuts are not related in any way to a lack of need for the research. In fact, the committee, in multiple hearings, acknowledged the need for the research. The Congress heard expert testimony from witnesses who have stressed the importance of investing in both research and development and in the NextGen modernization initiative, and have warned of the negative impact that cuts will have on the Nation's air traffic control system and the flying public.

To cut FAA's R&D efforts so drastically while we're trying to recover from a recession and while oil prices every day climb higher risks stifling this industry and the millions of jobs it supports.

But I also want to be clear that the research and development work that is done at FAA helps to protect the safety of all the flying public. These cuts to aviation safety-related research have a high probability of reducing the safety of our air transformation system. These effects may not be felt today or tomorrow, but they will be felt, and they will have serious consequences for the flying public.

Madam Chair, Democratic members of the committee attempted to prevent the cuts to three key safety research initiatives at our committee's markup of H.R. 970. These amendments, if adopted, would have increased the 4-year authorization amount by a total of $16 million, or less than 3 percent of the $600 million authorization in the bill—a small amount for such a huge payoff.

□ 1600

As noted in the committee markup, these costs really pale in comparison to even a single major aircraft accident both in terms of money and the horrible loss of life. Unfortunately, our Republican colleagues voted to reject each of these key safety amendments and research amendments that go to safety. And the choice couldn't be more clear. Our colleagues chose to make the flying public less safe in order to meet a very arbitrary goal for cutting Federal spending.

I share our colleagues' concern about the Nation's deficit, but we reject any notion that addressing the Nation's deficit requires us to make our Nation's transportation system less safe.

As we move forward in the negotiations with the Senate over a final FAA reauthorization, I remain committed to ensuring the safety of our Nation's air transportation system and hope that our Republican colleagues will join in this effort.

In conclusion, I would like to speak to a measure in the provision of the underlying bill that has me greatly troubled, and that has to do with union elections. It is staggering to me that we have decided that we are going to count not voting as a ''no'' vote.

I just took a look at the winning numbers for our leadership. Our Speaker was elected in 2010 with 142,700 votes. His opponents and those who weren't

registered totaled 482,170 votes. If we had used this same theory, this same strategy for our own elections and for the election of Speaker BOEHNER, he would have lost that election by 339,000 votes. And that goes for each of us. And perhaps the public wants that. Maybe we should all be counting nonvoting as ''no'' votes, and then we could completely change this House of Representatives. But that is not the way we run elections, and that is not the way we should run union elections. So it is unfortunate that the majority has decided to put this poison pill into the underlying legislation that makes it unsupportable on this side of the aisle.

With that, I would ask unanimous consent to yield the balance of my time to the ranking member on Transportation and Infrastructure, the gentleman from West Virginia (Mr. RAHALL).

The Acting CHAIR (Mr. BASS of New Hampshire). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS. And how much time remains?

The Acting CHAIR. There is 30 seconds remaining for the gentlewoman from Maryland.

Mr. HALL. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. PALAZZO) such time as he may consume.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. PALAZZO. Mr. Chairman, I rise to join Mr. HALL, chairman of the House Science, Space, and Technology Committee, to urge all Members to support passage of H.R. 658, the FAA Reauthorization and Reform Act of 2011. This is a good and balanced bill that will help advance important modernization of safety programs at the FAA, and do so in a fiscally responsible manner.

The Space and Aeronautics Subcommittee, which I chair, held an oversight hearing on February 16 that focused on FAA's research and development activities. Witnesses from FAA, industry, an external advisory panel to FAA, and the DOT Inspector General spoke in general agreement about the importance of FAA's research and development portfolio, with the non-agency witnesses also offering constructive suggestions for improvement.

Of chief importance to the agency and industry is development and implementation of the Next Generation Air Transportation System program. NextGen will modernize our Nation's air traffic control system, increasing its capacity, safety, security, and efficiency. But this ambitious program will not succeed without a well structured, well managed research and development program that will deliver appropriate technologies when and where they are required.

To offer a few examples, currently there is NextGen-related research focused on increasing our weather prediction capability, research to better understand human factors in a highly automated environment, wake turbulence prediction, and research on aircraft technologies.

What we are asking FAA to do is to prioritize and make choices. Most folks in Washington and at home acknowledge that we cannot afford business as usual by routinely increasing Federal spending year after year. This bill is a responsible approach to pushing the FAA forward, but doing so wisely.

Mr. Chair, I rise to join with Mr. HALL, Chairman of the House Science, Space, and Technology Committee, to urge all Members to support passage of H.R. 658, the FAA Reauthorization and Reform Act of 2011. This is a good and balanced bill that will help advance important modernization and safety programs at the FAA, and to do so in a fiscally responsible manner.

The Space and Aeronautics Subcommittee, which I chair, held an oversight hearing on February 16 that focused on FAA's research and development activities. Witnesses from FAA, industry, an external advisory panel to FAA, and the DOT Inspector General spoke in general agreement about the importance of FAA's research and development portfolio, with the non-agency witnesses also offering constructive suggestions for improvement.

Of chief importance to the agency and industry is development and implementation of the Next Generation Air Transportation System program. NextGen will modernize our nation's air traffic control system, increasing its capacity, safety, security, and efficiency, but this ambitious program will not succeed without a well-structured, well-managed research and development program that will deliver appropriate technologies when and where they're required. To offer a few examples, currently there is NextGen-related research focused on increasing our weather prediction capability; research to better understand human factors in a highly automated environment; wake turbulence prediction; and research on aircraft technologies. Ultimately, tens of billions of dollars are at stake both by government and industry if we're to enable the full realization of NextGen, and ensure its success the agency needs a strong R&D program.

Title X of H.R. 658 also supports FAA's traditional safety research, and it directs the agency—in coordination with NASA—to assess the environmental impact of aviation. To be clear, the environmental research will help FAA better measure the effects of aviation, and where warranted, to develop technologies to mitigate them. For example, using biomass-based feedstock to develop jet fuel. But just as importantly, an environmental assessment will also give industry a baseline against which progress on impacts can be measured, which is a metric we do not have today.

There are some Members who may argue that this bill is counterproductive because it reduces FAA's authorization levels, asserting, for instance, that it imperils public safety by eliminating safety-related research. To those who raise such claims, I respectfully disagree. In this bill, we're not eliminating any program. What we are asking FAA to do is to prioritize and make choices. Most folks in Washington and at home acknowledge that we cannot afford 'business as usual' by routinely increasing federal spending year after year. This bill is a responsible approach to pushing the FAA forward, but doing so wisely.

The Acting CHAIR. All time has expired for the Committee on Science, Space, and Technology.

Mr. RAHALL. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from West Virginia has 2½ minutes remaining, and the gentleman from Florida has 3½ minutes.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me applaud the work of this committee, and particularly Mr. RAHALL and Mr. COSTELLO, whom we work very closely with. I serve as a ranking member on the Transportation Security Committee, and I can't imagine a more perfect fit than the question of safety and security for our traveling public, and I thank the chairman of the full committee and others associated with this legislation, however disappointed I am in having to come to the floor and raise questions about our next steps. And I am particularly devastated about the cuts in the FAA's Next Generation Air Traffic System, the NextGen.

Whenever you think of air traffic controllers, I want you to think of them as first responders, of which I will discuss in an amendment that I have regarding the issue of ensuring the kind of staffing needs necessary to engage in security. But further, since I have one of the largest airports in the country, Bush Intercontinental Airport, of which we were proud to name, I am disappointed that the FAA Improvement Program has been cut and, therefore, construction improving runways, taxiways, terminals. There's one thing about getting up and getting in the air and having that beautiful feeling. But what about coming down and not being able to work?

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. RAHALL. I yield an additional 15 seconds.

Ms. JACKSON LEE of Texas. And let me say I am disappointed that we would have a Shuster amendment that would really put a dent in the pilot fatigue rulemaking. That is very important. And then of course the issue dealing with the Costello-LaTourette amendment, which I support. How can you win by 70,000, then you count the people who didn't vote, and you lose by 150,000? Let's be fair. Let's have a bill that responds to the needs of all.

Mr. RAHALL. I yield myself the balance of my time.

Mr. Chairman, I really appreciate the sincere efforts of the chairman of my committee Mr. MICA, the subcommittee chairman Mr. PETRI, and our ranking Democrat on the subcommittee, Mr. COSTELLO.

There have been serious efforts to work in a bipartisan way, but I fully realize that on the majority's side a lot of these decisions, a lot of these funding levels are not necessarily made by

the chairman of the full committee and the chairman of the subcommittee, but rather by other forces that are out there on the majority's side. I also recognize that a lot of these decisions are made at levels higher than the chairman's, at levels higher than even that at which airplanes fly. So this is not all necessarily the chairman's fault.

I think it would be fair to warn the body that the administration has issued their position on this legislation. And they say that if the funding were appropriated at the levels proposed in the bill, the safe and efficient movement of air traffic, on the ground and in the air, would be degraded today and in the future.

And, more importantly, the administration has reiterated its opposition to the poison pill labor provisions in this bill, and has said if the President is presented with a bill that would not safeguard the ability of railroad and airline workers to decide whether or not they would be represented by a union based upon a majority of the ballots cast in election, or that would degrade safe and efficient air travel, his senior advisers would recommend that he veto the bill.

Mr. Chairman, I urge that the House do not accept this bill. We have even further degrading amendments to safety that will come later in the amendment process that I want to reference very quickly at this point, including one that would allow more flyovers at sports events.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman an additional 15 seconds.

Mr. RAHALL. I appreciate it. Thank you, Mr. Chairman.

This would go against a ban instituted after 9/11 that prohibited flyovers at sports events for safety reasons. So that comes later on in the amendment process. I think it just shows the threats that we are posing to the safety of the air traveling public if this bill were to pass as it is. I urge its opposition.

Mr. MICA. Mr. Chairman, as we close debate on the long overdue FAA reauthorization, first I have to thank my copartner in this, the gentleman from West Virginia (Mr. RAHALL). He is a gentleman. It is great to work with him. I have to thank also Mr. PETRI, the chair of the Aviation Subcommittee, he and Mr. COSTELLO, two gentlemen who have worked hard to bring the bill to this point. It has been a struggle for 4 years, and now, to get here. But I am pleased that we are at this point. There are differences of opinion about the bill.

I have to take a moment to thank staff on both sides. They are great, and have been working together to get us to this point. And we will debate the amendments and the differences, and then we will hopefully pass this and get people working and get our aviation policies secure for the Nation.

□ 1610

I have to thank Mr. HALL, the chairman of the Science and Technology Committee, for his provisions to make certain that research in aviation is done. Mr. CAMP brought a proposal here from Ways and Means that doesn't raise taxes, that doesn't increase fees. There are no passenger facility increases. So those kinds of things.

We brought a bill. It does have $59 billion over 4 years—this isn't small potatoes—and it can, if properly expended and wisely applied, can do well for the Nation, ensuring safety in programs that are so important and moving jobs that are so critical. 9.3 percent of our economy depends on this legislation.

The colloquy between Mr. SHUSTER and the gentlelady from South Dakota (Mrs. NOEM) and the gentleman from North Dakota (Mr. BERG) and the gentleman from Pennsylvania (Mr. THOMPSON) on Essential Air Service, I understand their concerns and their great advocacy for their constituents and making certain that service is there. We do have a sunset provision. We will work with them and we will do our best. But I agreed to work with them, and I reconfirm that here.

Finally, letters of support. You heard the other side state that nobody supports this. I have a list of 45 major associations, every major organization in the aviation industry, and I will submit that for the record. On the question of AIA support, I have a letter of support from Marion Blakey, showing their support of this legislation.

In conclusion, we are doing here something that needs to be done. This is very important. It has been left aside. Seventeen extensions. When the other side, of course, had huge majorities, they could have done this almost by unanimous consent with the President.

Now, the President threatened to veto this. I am not going to say, ''Make my day,'' but I want to say that this is a fair provision, fair to everyone in labor, fair to everyone who wants to join a labor union, to keep 70 years of law that has been on the books and not change it because you have jerry-rigged the membership of the National Mediation Board. So let's be fair, fair going in and fair coming out. This provision that we have in the bill creates fairness.

BROAD SUPPORT FOR H.R. 658—FAA REAUTHORIZATION AND REFORM ACT OF 2011

Aerospace Industries Association (AIA); General Aviation Manufacturers Association (GAMA); Air Transport Association (ATA); Experimental Aircraft Association (EAA); International Association of Fire Chiefs; Air Medical Operators Association (AMOA); Association of Air Medical Services (AAMS); Aeronautical Repair Station Association (ARSA); U.S. Chamber of Commerce; Cargo Airline Association (CAA); National Business Aviation Association (NBAA); National Air Transport Association (NATA); National Air Carrier Association (NACA); Association of Unmanned Vehicle Systems International (AUVSI); Alliance for Worker Freedom; AdvaMed; Airforwarders Association; Association of Home Appliance Manufacturers; AT&T; Boston Scientific; Consumer Electronics Association.; Consumer Electronics Retailers Coalition; CTIA—The Wireless Association.

Dangerous Goods Advisory Council; DHL; Express Association of America; FedEx Corporation; Garmin; Hewlett-Packard; International Air Transport Association (IATA); Information Technology Industry Council; Johnson Controls; Motorola Mobility; Motorola Solutions; National Association of Manufacturers; National Electrical Manufacturers Association; National Retail Federation; Power Tool Institute; PRBA—The Rechargeable Battery Association; Retail Industry Leaders Association; Samsung SDI; Security Industry Association; Sony; UPS; The International Air Cargo Association.

AEROSPACE INDUSTRIES ASSOCIATION,
Arlington, VA, February 16, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, House of Representatives.

Hon. NICK J. RAHALL,
Ranking Member, Committee on Transportation and Infrastructure, House of Representatives.

CHAIRMAN MICA, AND RANKING MEMBER RAHALL; I write today to express the Aerospace Industries Association's (AIA) support for the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658), as introduced by the House Transportation and Infrastructure Aviation Subcommittee February 11, 2011.

During my February 9 testimony, I outlined a number of initiatives the FAA may undertake to reduce duplicative efforts, measure the effectiveness of existing processes, and capitalize on the experience and efficiency of the private sector. These efficiencies are paramount to ensuring the FAA's ability to maintain the highest level of safety, provide oversight responsibilities without delaying manufacturers' ability to compete internationally, and aggressively advance the Next Generation Air Transportation System (NextGen).

AIA is pleased with the Committee's decision to address key policies such as environmental streamlining, third party performance based navigation procedure design, and the establishment of NextGen performance metrics. Further, the Committee's acknowledgement of the benefits of bilateral aviation safety agreements and a risk based inspection regime when applied to repair station oversight cannot be overstated. These carefully negotiated agreements increase FAA's efficiency, enhance FAA's international safety oversight and help protect U.S. jobs.

FAA is the global gold standard for aviation safety and standards. U.S. civil aviation manufacturers are the world leaders in advanced aerospace technology, innovative satellite-based procedures and airspace design. The policies outlined in H.R. 658 permit the FAA to not only pursue efficiencies for the flying public but also protect the investment of the American taxpayer.

If AIA can provide any technical assistance or answer any questions, please do not hesitate to call me directly.

Sincerely,

MARION C. BLAKEY.

GENERAL AVIATION MANUFACTURERS ASSOCIATION,
Washington, DC.

STATEMENT OF PETE BUNCE ON INTRODUCTION OF H.R. 658, THE FAA REAUTHORIZATION AND REFORM ACT OF 2011

We welcome the leadership of Chairmen Mica and Petri in developing and introducing this legislation and look forward to

working with them and ranking members Rahall and Costello on its passage. There have been far too many delays in reauthorizing the programs of the FAA and we hope that timely action will continue. H.R. 658 contains many provisions important to general aviation manufacturers including:

(1) strengthening the ability of FAA to implement the procedures, policies, and technology necessary for the success of NextGen;

(2) enhancing repair station safety oversight through a risk-based approach and leveraging safety resources efficiently;

(3) supporting a critical safety agreement between the U.S. and Europe;

(4) reviewing and reforming existing FAA certification processes to streamline and make more efficient the current system without compromising safety; and

(5) establishing an FAA-industry group to ensure consistent interpretation of regulations and effective communication about potential changes.

We look forward to continuing to work with all members of Congress to ensure that the funding levels in the bill will support critical NextGen investments and the certification resources necessary to create jobs in this country and maintain our global competitiveness.

———

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, March 31, 2011.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges Congress to reauthorize federal aviation programs. H.R. 658, the ''Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011'' is an important step toward achieving this goal. The Chamber strongly supports several provisions of H.R. 658 and provisions expected to be included in the manager's amendment. However, the Chamber strongly opposes amendments that have been filed regarding lithium-ion batteries and repeal a National Mediation Board rule and supports an amendment to improve the FAA rulemaking process.

Improving and modernizing the air traffic control system, which is at the heart of America's aviation woes, must be a national priority. The U.S. aviation system must transform to meet the expected 36 percent increase in fliers by 2015 by expediting air traffic control modernization and providing the necessary investment to increase national aviation system capacity. Moreover, investment in America's transportation system is important to U.S. productivity and economic competitiveness in the long run, and investment in transportation infrastructure supports jobs in the near term.

The Chamber supports several policy related provisions of H.R. 658 and the manager's amendment that would:

Strengthen the ability of FAA to implement the policies, procedures and technologies needed to fully implement the Next Generation Air Traffic Control system (NextGen).

Assist the aviation community with aircraft equipage necessary to move NextGen forward. Without ensuring that air infrastructure—advanced technologies installed in aircraft, commonly referred to as equipage—is aligned with ground infrastructure, the benefits of NextGen cannot be realized fully and the return on the investment in the air transportation system will be delayed. Because of the significant costs associated with aircraft equipage, assistance is needed. According to the Air Transport Association, the equipage cost for ADS–B could total between $3.5 and $5 billion. For the aviation community to benefit from these technologies, the FAA must implement more efficient routings and changed procedures and provide federal funding assistance to achieve implementation of such a requirement.

Preserve the effective and efficient Block Aircraft Registration Request (BARR) program, which allows business aircraft operators with privacy or security concerns for their operations to request that Aircraft Situation Display to Industry (ASDI) data provided to the Federal Aviation Administration be blocked from public dissemination. These requests are routinely honored, and FAA has provided no data to demonstrate that changes to the BARR program are necessary.

With respect to funding levels, the Chamber strongly supports provisions of the bill that would provide a robust General Fund contribution to aviation programs. Historically, the general fund has been used to pay for a significant portion of the FAA's costs, which provides important public interests including: national defense; emergency preparedness; postal delivery; medical emergencies; and full implementation of a national passenger and freight air transportation system.

However, the Chamber is concerned with overall reduced funding levels in H.R. 658. Of particular concern are cuts to the Airport Improvement Program. The Airport Improvement Program is an important source of funding for capital projects and contributes to safe, secure, and efficient airport facilities. The proposed funding levels fall short of the amounts needed to maintain, modernize and expand critical aviation infrastructure. In addition, decreased funding for this program would reduce jobs supported by these projects. We urge Congress to address this important issue during the conference.

The Chamber is concerned with several amendments that may be considered during floor debate of H.R. 658 related to:

FAA Rulemaking: The Chamber strongly supports an amendment filed by Rep. Shuster that would require FAA to consider different industry segments in its rulemaking proceedings and to perform comprehensive cost-benefit analyses. FAA practice in certain rulemakings has been to overlook significant operational differences within the industry and promulgate rules that impose substantial costs without producing commensurate benefits.

National Mediation Board: The Chamber strongly opposes an amendment filed by Rep. LaTourette that would remove Section 903 of H.R. 658. This section of the bill would repeal recent revisions the National Mediation Board made to its regulations concerning union organizing under the Railway Labor Act. The National Mediation Board's revisions, which were made at the request of the AFL–CIO, overturned more than 70 years of precedent and make it possible for a union to be organized without the support of a majority of employees in the craft or class. Strong policy arguments favor the time-tested rule jettisoned by the Board. Further, while the Board has made it much easier to form a union it has not addressed the double standard that makes it nearly impossible for employees to decertify an unwanted union. In addition, the regulatory process that led to the adoption of the rule was little more than a sham. The Board majority not only excluded the single minority member from deliberations over the rule, but it censored her dissent. Furthermore, while the rule was contentious enough to draw thousands of comments, the Board did not change a single word of the proposed rule when it was finalized. Simply put, the Board's regulatory process on this process was egregiously flawed. Congress should not permit an agency to set policy in such a manner.

Lithium Ion batteries: The Chamber strongly opposes an amendment by Rep. Filner, which would prevent harmonization of federal regulations with international standards concerning the shipment of lithium ion batteries. Provisions of the manager's amendment would help ensure that U.S. regulations governing air shipments of lithium batteries and products containing them conform to international standards established by the International Civil Aviation Organization. Such harmonization would enhance safety and minimize the harsh economic consequences and other burdens of complying with multiple or inconsistent requirements for transporting our products to and from the U.S.

The Chamber urges Congress to approve a multi-year aviation bill, and H.R. 658 is an important step towards achieving this goal. The Chamber will consider including votes on or in relation to the Filner, LaTourette and Shuster amendments in our annual How They Voted Scorecard.

Sincerely,

R. BRUCE JOSTEN,
EXECUTIVE VICE PRESIDENT,
Government Affairs.

Mr. THOMPSON of Pennsylvania. Mr. Chair, the Essential Air Service Program (EAS) assists 140 rural communities across the country that otherwise would not have scheduled air service.

As a long-time proponent of the program, I believe Congress has an obligation to provide a level playing field for rural Americans when it comes to transportation and the economic opportunities that the national transportation system provides.

Opponents of the program claim that it is wasteful or that it does not work. Well, I disagree with them on several accounts.

Pennsylvania along with the rest of the country had suffered from severe downsizing of connecting airports, followed by the unfortunate impacts of the current recession. Despite these factors, the Commonwealth is beginning to see increased economic output as a result of the Marcellus Shale natural gas play. The Marcellus has the potential to revitalize industry and ancillary businesses throughout the region, resulting in amplified air service. In other regions of the country the economic climate is also beginning to pick up.

A prime success story of the EAS program has been the Williamsport-Lycoming County Airport, which first entered into the program in 2008. Today, the airport is no longer participating in the program because of increased economic output in the region and the availability of flights that make sense for business travelers. This is largely a direct result in the community investment in the EAS program, which has lifted them out of the program. Today, their direct flight to Houston, Texas lends ancillary support to the emerging natural gas industry in Pennsylvania.

Another pending success story in Pennsylvania's 5th congressional district is the Dubois Regional Airport. Dubois Regional has greatly benefitted from the EAS program and as a direct result of the air service, the airport is responsible for contributing to the local workforce with 132 jobs and a payroll of over $9 million, which creates a total economic benefit of over $28 million to the region and state.

Mr. Chair, these stories are not unusual. These stories are replicated throughout the communities the EAS Program serves.

Let me put it this way; there is not an airport in America that does not receive some sort of federal assistance for operations or capital improvements. Why should this be any different for our rural communities?

The program is not perfect. I believe we need to insert into the law incentives which allow for more community involvement. But, Mr. Chair, I cannot in good faith support a sunset of the program as included in H.R. 658.

As the legislative process moves forward, I will join with those members who share my belief that this program works in weighing in with the conferees, to ensure the language which sunsets the program is not included in the final product of the FAA authorization.

Mr. PASCRELL. Mr. Chair, I come to the floor to speak about basic notions of fairness and democracy.

As a former member of the House Transportation Committee, let me acknowledge that I understand the importance of a strong and robust FAA Reauthorization Bill. Historically, it has been our shared goal of modernizing our system, expanding capacity, and putting people to work. Unfortunately, by nickel and diming the system, the bill on the floor today falls short of achieving these important goals.

Furthermore, today's bill contains a poison pill for those Americans working hard on our airways and railways that would change the method of counting votes in a union election.

Last year, the National Mediation Board rightly decided that union elections for workers in the airline and rail industries would be counted just as we count every other vote, whether for President, Congress or even when voting on legislation here in the House of Representatives.

It's simple: if you show up and vote ''yes,'' it's a yes. If you show up and vote ''no,'' it's a no.

But this legislation would repeal the ruling of the NMB and count ghost votes, because if you do not show up, you're considered a ''no.''

We cannot continue to attack hard working employees across this country for political purposes. I urge my colleagues to support the LaTourette/Costello Amendment to strike this misguided section of the bill and preserve fairness in union elections.

I am also happy that my friend, Mr. LOBIONDO's amendment for the NextGen Center of Excellence was agreed to. I have been with my colleague from south Jersey to the FAA Tech Center and know that it does a fantastic job. Supporting these employees also means providing the best training possible, which in turn will make our skies safer and the flow of commerce better.

Finally, I would like to stand with the families of the victims of Flight 3407, and oppose the amendment from my friend Mr. SHUSTER. We need to stand behind the law we passed last year to improve safety standards, and continue to demand one strong level of safety for the entire aviation industry.

Mr. DINGELL. Mr. Chair, I rise in opposition to H.R. 658 as it currently stands. While I support a long-term reauthorization of the Federal Aviation Administration, this bill is the wrong approach to doing so. I was extremely disappointed in the decision of my Republican colleagues to slash funding levels for the FAA by $4 billion over the next four years. These proposed cuts would jeopardize the Next Generation Air Transportation System air traffic control modernization efforts and devastate safety-sensitive programs.

Worse yet, H.R. 658 slashes the FAA's Airport Improvement Program (AIP) by $2 billion through 2014. The AIP program is essential for airports to handle current traffic levels as well as build infrastructure to address future demand. Not only does it help airports build and improve runways, taxiways, and terminals, but it also helps airports mitigate noise levels, and improve safety and security at their facilities. Please allow me to give you an example of how this program has helped the people of Michigan's 15th congressional district, and why it deserves proper levels of funding. My district contains Detroit Metropolitan Wayne County Airport (DTW), which serves over 35 million passengers annually and is one of the newest, most operationally-capable, customer-friendly and efficient airports in North America with more than 1,200 non-stop flights per day to over 160 destinations worldwide. Since 2009, DTW airport has received over $21 million in federal grants from the FAA through the AIP program. These grants helped DTW rehabilitate the runaways and taxiways, reduce noise levels, install taxiway lighting, install guidance signs, and install perimeter fencing. If DTW had not received these grants, it would not have made these upgrades.

Thus, the $4 billion in cuts contained in H.R. 658 will prevent airports like DTW from making necessary upgrades to their facilities, prevent the implementation of new safety standards, reduce safety personnel, and cost 70,000 jobs around the nation. If this bill passes with these budget cuts intact, then passengers at airports across the nation can expect increased delays, overcrowded airports, decreased safety, and crumbling infrastructure. I therefore urge my colleagues to reject these cuts, and to protect the critical and successful Airport Improvement Program.

The FAA Reauthorization and Reform Act, as it stands, is nothing more than a job loss bill that will inflict serious turbulence on our nation's airline industry and transportation infrastructure. I understand the need to reduce the deficit, but we should not do so in such a way that threatens passenger safety, airport security, and airfield maintenance. If my colleagues across the aisle are serious about investing in our nation's infrastructure and creating jobs, then they should vote to rescind these harmful cuts and maintain funding for the FAA at FY 2010 levels.

Mr. Chair, I strongly urge my colleagues to vote against this bill unless the proper funding levels are restored.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 658. While we need a Federal Aviation Administration reauthorization bill, today's legislation takes us in the wrong direction.

Our nation's aviation infrastructure critically needs rehabilitation. On its 2009 Report Card on America's Infrastructure, the American Society of Civil Engineers gave aviation infrastructure a ''D.'' Investments in improvements—to renovate runways, taxiways, and terminals and to implement the Next Generation Air Transportation System (NextGen) to modernize air traffic control—would enhance passenger safety and reduce delays. They also create jobs—approximately 35,000 jobs per $1 billion of investment.

However, rather than making the improvements our aviation system requires, this bill cuts funding back to FY2008 levels—a $1 billion cut in the first year alone. And funding would stay level, despite increasing need, each year until FY2014. Cuts to the Airport Improvement Program alone would cost our nation 70,000 jobs over the next four years.

This bill's funding reductions have a very real impact for passengers. Cutbacks to FAA operations could result in furloughs for hundreds of safety inspectors and slow certification of new equipment. A reduced budget could also postpone needed investments in air traffic control towers, lighting systems, and navigational aids. And the delays to NextGen implementation will result in more delays, more gridlock, and more runway incursions that endanger passengers.

Additionally, this bill contains a poison pill—one that neither the President nor the Senate will accept. It repeals a National Mediation Board rule, finalized last year, which allows workers to organize based on a majority of votes cast—the same way members of Congress are elected. Under this legislation, if a worker does not cast a ballot in a union election, he or she would be counted as a ''no'' vote. This is unfair and undemocratic.

Mr. Chair, our aviation infrastructure has serious needs. We need a serious bill to address them. Let's end arbitrary and damaging cuts and poison pill provisions and consider a bill that puts Americans to work rebuilding our nation.

Mr. MICA. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the 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.

The text of the amendment in the nature of a substitute is as follows:

H.R. 658

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FAA Reauthorization and Reform Act of 2011''.

(b) TABLE OF CONTENTS.—

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended to read as follows:

''§ 48103. Airport planning and development and noise compatibility planning and programs

''(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 to make grants for airport planning and airport development under section 47104, airport noise compatibility planning under section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c)—

''(1) $3,176,000,000 for fiscal year 2011;
''(2) $3,000,000,000 for fiscal year 2012;
''(3) $3,000,000,000 for fiscal year 2013; and
''(4) $3,000,000,000 for fiscal year 2014.

''(b) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.

''(c) LIMITATION.—Amounts made available under subsection (a) may not be used for carrying out the Airport Cooperative Research Program or the Airports Technology Research Program.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2014''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $2,700,000,000 for fiscal year 2011.
''(2) $2,600,000,000 for fiscal year 2012.
''(3) $2,600,000,000 for fiscal year 2013.
''(4) $2,600,000,000 for fiscal year 2014.''.

(b) SET-ASIDES.—Section 48101 is amended—

(1) by striking subsections (c), (d), (e), (h), and (i); and

(2) by redesignating subsections (f) and (g) as subsections (c) and (d), respectively.

SEC. 103. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (F) and inserting the following:

''(A) $9,403,000,000 for fiscal year 2011;
''(B) $9,168,000,000 for fiscal year 2012;
''(C) $9,168,000,000 for fiscal year 2013; and
''(D) $9,168,000,000 for fiscal year 2014.''.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

(1) by striking subparagraphs (A), (B), (C), and (D);

(2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (A), (B), and (C), respectively; and

(3) in subparagraphs (A), (B), and (C) (as so redesignated) by striking ''2004 through 2007'' and inserting ''2011 through 2014''.

(c) AUTHORITY TO TRANSFER FUNDS.—Section 106(k) is amended by adding at the end the following:

''(3) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Notwithstanding any other provision of law, in each of fiscal years 2011 through 2014, if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Federal Aviation Administration, as authorized by this section, the Secretary shall reduce nonsafety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1).''.

SEC. 104. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

''(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year pursuant to sections 48101, 48102, 48103, and 106(k) shall—

''(i) in fiscal year 2011, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(ii) in fiscal year 2012 and each fiscal year thereafter, be equal to the sum of—

''(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for aviation investment programs listed in subsection (b).''.

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking ''2007'' and inserting ''2014''.

(c) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.—Section 48114(b)(2) is amended—

(1) in the paragraph heading by striking ''LEVEL'' and inserting ''ESTIMATED LEVEL''; and

(2) by striking ''level of receipts plus interest'' and inserting ''estimated level of receipts plus interest''.

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking ''2007'' and inserting ''2014''.

SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) in paragraph (3) by striking ''and'' after the semicolon;

(2) in paragraph (4)(B) by striking ''defense.'' and inserting ''defense; and''; and

(3) by adding at the end the following:

''(5) a list of capital projects that are part of the Next Generation Air Transportation System and funded by amounts appropriated under section 48101(a).''.

SEC. 106. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

''§ 48105. Airport programs administrative expenses

''(a) IN GENERAL.—Of the funds made available under section 48103, the following amounts may be available for administrative expenses of the Federal Aviation Administration described in subsection (b):

''(1) $85,987,000 for fiscal year 2011.
''(2) $80,676,000 for fiscal year 2012.
''(3) $80,676,000 for fiscal year 2013.
''(4) $80,676,000 for fiscal year 2014.

''(b) ELIGIBLE ADMINISTRATIVE EXPENSES.—Amounts made available under subsection (a) may be used for administrative expenses relating to the airport improvement program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities.

''(c) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

''48105. Airport programs administrative expenses.''.

Subtitle B—Passenger Facility Charges

SEC. 111. PASSENGER FACILITY CHARGES.

(a) PFC DEFINED.—Section 40117(a)(5) is amended to read as follows:

''(5) PASSENGER FACILITY CHARGE.—The term 'passenger facility charge' means a charge or fee imposed under this section.''.

(b) PILOT PROGRAM FOR PFC AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) CORRECTION OF REFERENCES.—

(1) SECTION 40117.—Section 40117 is amended—

(A) in the section heading by striking ''**fees**'' and inserting ''**charges**'';

(B) in the heading for subsection (e) by striking ''FEES'' and inserting ''CHARGES'';

(C) in the heading for subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(D) in the heading for paragraph (5) of subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(E) in the heading for subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(F) in the heading for paragraph (1) of subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(G) by striking ''fee'' each place it appears (other than the second sentence of subsection (g)(4)) and inserting ''charge''; and

(H) by striking ''fees'' each place it appears and inserting ''charges''.

(2) OTHER REFERENCES.—Subtitle VII is amended by striking ''fee'' and inserting ''charge'' each place it appears in each of the following sections:

(A) Section 47106(f)(1).
(B) Section 47110(e)(5).
(C) Section 47114(f).
(D) Section 47134(g)(1).
(E) Section 47139(b).
(F) Section 47524(e).
(G) Section 47526(2).

(3) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

''40117. Passenger facility charges.''.

SEC. 112. AIRPORT ACCESS FLEXIBILITY PROGRAM.

Section 40117 is amended by adding at the end the following:

''(n) AIRPORT ACCESS FLEXIBILITY PROGRAM.—

''(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

''(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this subsection, the term 'intermodal ground access project' means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

''(3) ELIGIBLE COSTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project at an airport shall be the total cost of the project multiplied by the ratio that—

''(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

''(ii) the total number of the individuals projected to use the facility.

''(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

''(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.

''(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time the project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).''.

SEC. 113. GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS.

(a) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collecting passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In conducting the study, the Comptroller General shall consider, at a minimum—

(1) collection options for arriving, connecting, and departing passengers at airports;

(2) cost sharing or allocation methods based on passenger travel to address connecting traffic; and

(3) examples of airport charges collected by domestic and international airports that are not included in ticket prices.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the study, including the Comptroller General's findings, conclusions, and recommendations.

SEC. 114. QUALIFICATIONS-BASED SELECTION.

(a) QUALIFICATIONS-BASED SELECTION DEFINED.—In this section, the term ''qualifications-based selection'' means a competitive procurement process under which firms compete for capital improvement projects on the basis of qualifications, past experience, and specific expertise.

(b) SENSE OF CONGRESS.—It is the sense of Congress that airports should consider the use of qualifications-based selection in carrying out capital improvement projects funded using passenger facility charges collected under section 40117 of title 49, United States Code, with the goal of serving the needs of all stakeholders.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

''(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

''(1) IN GENERAL.—In establishing and adjusting fees under this section, the Administrator shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered.

''(2) SERVICES FOR WHICH COSTS MAY BE RECOVERED.—Services for which costs may be recovered under this section include the costs of air traffic control, navigation, weather services, training, and emergency services that are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States.

''(3) LIMITATIONS ON JUDICIAL REVIEW.—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review:

''(A) The establishment or adjustment of a fee by the Administrator under this section.

''(B) The validity of a determination of costs by the Administrator under paragraph (1), and the processes and procedures applied by the Administrator when reaching such determination.

''(C) An allocation of costs by the Administrator under paragraph (1) to services provided, and the processes and procedures applied by the Administrator when establishing such allocation.

''(4) ADJUSTMENT OF OVERFLIGHT FEES.—In accordance with section 106(f)(3)(A), the Administrator shall adjust the overflight fees established by subsection (a)(1) by issuing a final rule with respect to the notice of proposed rulemaking published in the Federal Register on September 28, 2010 (75 Fed. Reg. 59661).

''(5) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(6) COSTS DEFINED.—In this subsection, the term 'costs' includes operation and maintenance costs, leasing costs, and overhead expenses associated with the services provided and the facilities and equipment used in providing such services.

''(7) SPECIAL RULE FOR FISCAL YEARS 2011 THROUGH 2015.—In each of fiscal years 2011 through 2015, section 45303(c) shall not apply to any increase in fees collected pursuant to a final rule described in paragraph (4).''.

(b) ADJUSTMENT OF FEES.—Section 45301 is amended by adding at the end the following:

''(e) ADJUSTMENT OF FEES.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.''.

SEC. 122. REGISTRATION FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

''§ 45305. Registration, certification, and related fees

''(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish and collect a fee for each of the following services and activities of the Administration that does not exceed the estimated costs of the service or activity:

''(1) Registering an aircraft.

''(2) Reregistering, replacing, or renewing an aircraft registration certificate.

''(3) Issuing an original dealer's aircraft registration certificate.

''(4) Issuing an additional dealer's aircraft registration certificate (other than the original).

''(5) Issuing a special registration number.

''(6) Issuing a renewal of a special registration number reservation.

''(7) Recording a security interest in an aircraft or aircraft part.

''(8) Issuing an airman certificate.

''(9) Issuing a replacement airman certificate.

''(10) Issuing an airman medical certificate.

''(11) Providing a legal opinion pertaining to aircraft registration or recordation.

''(b) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

''(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—

''(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

''(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed, including all costs associated with collecting the fee; and

''(C) remain available until expended.

''(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

''(3) ADJUSTMENTS.—The Administrator shall adjust a fee established under subsection (a) for a service or activity if the Administrator determines that the actual cost of the service or activity is higher or lower than was indicated by the cost data used to establish such fee.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 453 is amended by adding at the end the following:

''45305. Registration, certification, and related fees.''.

(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302(e) is amended—

(1) by striking ''A fee'' and inserting the following:

''(1) IN GENERAL.—A fee''; and

(2) by adding at the end the following:

''(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.''.

Subtitle D—Airport Improvement Program Modifications

SEC. 131. AIRPORT MASTER PLANS.

Section 47101(g)(2) is amended—

(1) in subparagraph (B) by striking ''and'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) consider passenger convenience, airport ground access, and access to airport facilities; and''.

SEC. 132. AEROTROPOLIS TRANSPORTATION SYSTEMS.

Section 47101(g) is amended by adding at the end the following:

''(4) AEROTROPOLIS TRANSPORTATION SYSTEMS.—Encourage the development of aerotropolis transportation systems, which are planned and coordinated multimodal freight and passenger transportation networks that, as determined by the Secretary, provide efficient, cost-effective, sustainable, and intermodal connectivity to a defined region of economic significance centered around a major airport.''.

SEC. 133. AIP DEFINITIONS.

(a) AIRPORT DEVELOPMENT.—Section 47102(3) is amended—

(1) in subparagraph (B)(iv) by striking ''20'' and inserting ''9'';

(2) in subparagraph (G) by inserting ''and including acquiring glycol recovery vehicles,'' after ''aircraft,''; and

(3) by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

''(N) terminal development under section 47119(a).

''(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, nonexclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.''.

(b) AIRPORT PLANNING.—Section 47102(5) is amended to read as follows:

''(5) 'airport planning' means planning as defined by regulations the Secretary prescribes and includes—

''(A) integrated airport system planning;

''(B) developing an environmental management system; and

''(C) developing a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.''.

(c) GENERAL AVIATION AIRPORT.—Section 47102 is amended—

(1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;

(2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary—

''(A) does not have scheduled service; or

''(B) has scheduled service with less than 2,500 passenger boardings each year.''.

(d) REVENUE PRODUCING AERONAUTICAL SUPPORT FACILITIES.—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

''(24) 'revenue producing aeronautical support facilities' means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.''.

(e) TERMINAL DEVELOPMENT.—Section 47102 (as amended by subsection (c) of this section) is further amended by adding at the end the following:

''(28) 'terminal development' means—

''(A) development of—

''(i) an airport passenger terminal building, including terminal gates;

''(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

''(iii) walkways that lead directly to or from an airport passenger terminal building; and

''(B) the cost of a vehicle described in section 47119(a)(1)(B).''.

SEC. 134. RECYCLING PLANS FOR AIRPORTS.

Section 47106(a) is amended—

(1) in paragraph (4) by striking ''and'' at the end;

(2) in paragraph (5) by striking ''proposed.'' and inserting ''proposed; and''; and

(3) by adding at the end the following:

''(6) if the project is for an airport that has an airport master plan, the master plan addresses issues relating to solid waste recycling at the airport, including—

''(A) the feasibility of solid waste recycling at the airport;

''(B) minimizing the generation of solid waste at the airport;

''(C) operation and maintenance requirements;

''(D) the review of waste management contracts; and

''(E) the potential for cost savings or the generation of revenue.''.

SEC. 135. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking ''patterns of air service,'';

(2) by inserting ''and'' before ''whether''; and

(3) by striking '', and airfare levels'' and all that follows before the period.

SEC. 136. GRANT ASSURANCES.

(a) GENERAL WRITTEN ASSURANCES.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: '', except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)''.

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2)(A)(iii) is amended by striking ''paid to the Secretary'' and all that follows before the semicolon and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)''.

(2) ELIGIBLE PROJECTS.—Section 47107(c) is amended by adding at the end the following:

''(4) In approving the reinvestment or transfer of proceeds under paragraph (2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

''(A) Reinvestment in an approved noise compatibility project.

''(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

''(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

''(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport.

''(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.''.

(c) CLERICAL AMENDMENT.—Section 47107(c)(2)(B)(iii) is amended by striking ''the Fund'' and inserting ''the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986''.

(d) EXTENSION OF COMPETITIVE ACCESS REPORTS.—Section 47107(s) is amended by striking paragraph (3).

SEC. 137. AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.

(a) IN GENERAL.—Section 47107 is amended by adding at the end the following:

''(t) AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

''(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns residential real property adjacent to the airport access to the airfield of the airport for the following:

''(A) Aircraft of the person.

''(B) Aircraft authorized by the person.

''(2) THROUGH-THE-FENCE AGREEMENTS.—

''(A) IN GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms the airport sponsor determines are necessary to establish and manage the airport sponsor's relationship with the property owner.

''(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall require the property owner, at minimum—

''(i) to pay airport access charges that, as determined by the airport sponsor, are comparable to those charged to tenants and operators on-airport making similar use of the airport;

''(ii) to bear the cost of building and maintaining the infrastructure that, as determined by the airport sponsor, is necessary to provide aircraft located on the property adjacent to the airport access to the airfield of the airport;

''(iii) to maintain the property for residential, noncommercial use for the duration of the agreement; and

''(iv) to prohibit access to the airport from other properties through the property of the property owner.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an agreement between an airport sponsor and a property owner entered into before, on, or after the date of enactment of this Act.

SEC. 138. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking ''provided in subsection (b) or subsection (c) of this section'' and inserting ''otherwise provided in this section''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government's share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years following such change in hub status.

''(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—

''(1) is receiving subsidized air service under subchapter II of chapter 417; and

''(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.''.

SEC. 139. ALLOWABLE PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

''(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

''(i) the cost was incurred before execution of the grant agreement due to climactic conditions affecting the construction season in the vicinity of the airport;

''(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement, including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

''(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

''(iv) the sponsor has an alternative funding source available to fund the project; and

''(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;''.

(b) INCLUSION OF MEASURES TO IMPROVE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.—Section 47110(b) is amended—

(1) in paragraph (5) by striking ''; and'' and inserting a semicolon;

(2) in paragraph (6) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) if the cost is incurred on a measure to improve the efficiency of an airport building (such as a measure designed to meet one or more of the criteria for being considered a high-performance green building as set forth under section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13))) and—

''(A) the measure is for a project for airport development;

''(B) the measure is for an airport building that is otherwise eligible for construction assistance under this subchapter; and

''(C) if the measure results in an increase in initial project costs, the increase is justified by expected savings over the life cycle of the project.''.

(c) RELOCATION OF AIRPORT-OWNED FACILITIES.—Section 47110(d) is amended to read as follows:

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.''.

(d) NONPRIMARY AIRPORTS.—Section 47110(h) is amended—

(1) by inserting ''construction'' before ''costs of revenue producing''; and

(2) by striking '', including fuel farms and hangars,''.

SEC. 140. VETERANS' PREFERENCE.

Section 47112(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking ''separated from'' and inserting ''discharged or released from active duty in''; and

(B) by adding at the end the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty (as defined in section 101 of title 38) in the Armed Forces in support of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn for more than 180 consecutive days, any part of which occurred after September 11, 2001, and before the date prescribed by presidential proclamation or by law as the last day of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn (whichever is later), and who was discharged or released from active duty in the armed forces under honorable conditions.

''(D) 'Persian Gulf veteran' means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War for more than 180 consecutive days, any part of which occurred after August 2, 1990, and before the date prescribed by presidential proclamation or by law, and who was discharged or released from active duty in the armed forces under honorable conditions.''; and

(2) in paragraph (2) by striking ''Vietnam-era veterans and disabled veterans'' and inserting ''Vietnam-era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans''.

SEC. 141. STANDARDIZING CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.

Section 47113 is amended by adding at the end the following:

''(e) MANDATORY TRAINING PROGRAM.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) to provide streamlined training on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

''(2) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

''(3) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport sponsor—

''(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) of this section or section 47107(e)(1), as the case may be; or

''(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).''.

SEC. 142. SPECIAL APPORTIONMENT RULES.

(a) ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.—Section 47114(d) is amended by adding at the end the following:

''(7) ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.—Notwithstanding any other provision of this subsection, the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the minimum apportionment available under subsection (c)(1)(B) if the Secretary finds that the airport—

''(A) received scheduled or unscheduled air service from a large certificated air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) in the calendar year used to calculate the apportionment; and

''(B) had more than 10,000 passenger boardings in the calendar year used to calculate the apportionment.''.

(b) SPECIAL RULE FOR FISCAL YEARS 2011 AND 2012.—Section 47114(c)(1) is amended—

(1) by striking subparagraphs (F) and (G); and

(2) by inserting after subparagraph (E) the following:

''(F) SPECIAL RULE FOR FISCAL YEARS 2011 AND 2012.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar year 2009 or 2010, or in both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in each of fiscal years 2011 and 2012 to the sponsor of such airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.''.

SEC. 143. APPORTIONMENTS.

Chapter 471 is amended by striking ''$3,200,000,000'' and inserting ''$3,000,000,000'' in each of the following sections:

(1) 47114(c)(1)(C).
(2) 47114(c)(2)(C).
(3) 47114(d)(3).
(4) 47114(e)(4).
(5) 47117(e)(1)(C).

SEC. 144. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking ''fiscal years 2004 through 2010, and for the portion of fiscal year 2011 ending before April 1, 2011,'' and inserting ''fiscal years 2010 through 2014,''.

SEC. 145. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) CONSIDERATIONS.—Section 47118(c) is amended—

(1) in paragraph (1) by striking ''or'' after the semicolon;

(2) in paragraph (2) by striking ''delays.'' and inserting ''delays; or''; and

(3) by adding at the end the following:

''(3) preserve or enhance minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights in locations—

''(A) within United States jurisdiction or control; and

''(B) where there is a demonstrable lack of diversionary airports within the distance or flight-time required by regulations governing transoceanic flights.''.

(b) DESIGNATION OF GENERAL AVIATION AIRPORTS.—Section 47118(g) is amended—

(1) in the subsection heading by striking ''AIRPORT'' and inserting ''AIRPORTS''; and

(2) by striking ''one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation'' and inserting ''3 of the airports bearing designations under subsection (a) may be general aviation airports that were former military installations''.

(c) SAFETY-CRITICAL AIRPORTS.—Section 47118 is amended by adding at the end the following:

''(h) SAFETY-CRITICAL AIRPORTS.—Notwithstanding any other provision of this chapter, a grant under section 47117(e)(1)(B) may be made for a federally owned airport designated under subsection (a) if the grant is for a project that is—

''(1) to preserve or enhance minimum airfield infrastructure facilities described in subsection (c)(3); and

''(2) necessary to meet the minimum safety and emergency operational requirements established under part 139 of title 14, Code of Federal Regulations.''.

SEC. 146. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) CONTRACT TOWER PROGRAM.—

''(A) CONTINUATION AND EXTENSION.—The Secretary shall continue the low activity (Visual Flight Rules) Level I air traffic control tower contract program established under subsection (a) for towers existing on December 30, 1987, and shall extend the program to other low activity air traffic control towers for which a qualified entity (as determined by the Secretary), a State, or a subdivision of the State meeting the requirements set forth by the Secretary has requested to participate in the program.

''(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit-to-cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

''(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3).''; and

(2) by striking ''(2) The Secretary'' and inserting the following:

''(2) GENERAL AUTHORITY.—The Secretary''.

(b) COSTS EXCEEDING BENEFITS.—Section 47124(b)(3)(D) is amended—

(1) by striking ''If the costs'' and inserting the following:

''(i) COST SHARING.—If the costs''; and

(2) by adding at the end the following:

''(ii) MAXIMUM LOCAL COST SHARE.—The maximum allowable local cost share allocated under clause (i) for an airport certified under part 139 of title 14, Code of Federal Regulations, with fewer than 50,000 annual passenger enplanements shall be capped at 20 percent of the cost of operating an air traffic tower under the program.

''(iii) SUNSET.—Clause (ii) shall not be in effect after September 30, 2014.''.

(c) FUNDING; USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended by striking subparagraph (E) and inserting the following:

''(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k)(1), not more than $8,500,000 for each of fiscal years 2011 through 2014 may be used to carry out this paragraph.

''(F) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).''.

(d) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking ''$1,500,000'' and inserting ''$2,000,000''.

(e) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for regular safety assessments of air traffic control towers that receive funding under this section.''.

SEC. 147. RESOLUTION OF DISPUTES CONCERNING AIRPORT FEES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

''§ 47129. Resolution of disputes concerning airport fees'';

(2) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d);

(3) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d)(2);

(4) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier'';

(5) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's'';

(6) by striking ''air carriers'' and inserting ''air carriers or foreign air carriers''; and

(7) by striking ''(as defined in section 40102 of this title)'' in subsection (a) and inserting ''(as those terms are defined in section 40102)''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of disputes concerning airport fees.''.

SEC. 148. SALE OF PRIVATE AIRPORTS TO PUBLIC SPONSORS.

(a) IN GENERAL.—Section 47133(b) is amended—

(1) by striking ''Subsection (a) shall not apply if'' and inserting the following:

''(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if''; and

(2) by adding at the end the following:

''(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this subchapter for any portion of the public sponsor's acquisition of airport land; and

''(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

''(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.''.

(b) APPLICABILITY TO GRANTS.—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 1996.

SEC. 149. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108, and the item relating to section 49108 in the analysis for chapter 491, are repealed.

SEC. 150. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''October 1, 2010, and for the portion of fiscal year 2011 ending before April 1, 2011,'' and inserting ''October 1, 2014,''.

SEC. 151. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) in subsection (a)—

(A) by striking ''each airport to—'' and inserting ''the airport system to—'';

(B) in paragraph (1) by striking ''system in the particular area;'' and inserting ''system, including connection to the surface transportation network; and'';

(C) in paragraph (2) by striking ''; and'' and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting ''; and'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking '', Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,''; and

(3) in subsection (d) by striking ''status of the''.

(b) CONSOLIDATION OF TERMINAL DEVELOPMENT PROVISIONS.—Section 47119 is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) TERMINAL DEVELOPMENT PROJECTS.—

''(1) IN GENERAL.—The Secretary of Transportation may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

''(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

''(i) all the safety equipment required for certification of the airport under section 44706;

''(ii) all the security equipment required by regulation; and

''(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

''(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

''(C) under terms necessary to protect the interests of the Government.

''(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

''(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

''(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval.'';

(3) in subsection (b)(4)(B) (as redesignated by paragraph (1) of this subsection) by striking ''Secretary of Transportation'' and inserting ''Secretary'';

(4) in subsections (b)(3) and (b)(4)(A) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(5) in subsection (b)(5) (as redesignated by paragraph (1) of this subsection) by striking ''subsection (b)(1) and (2)'' and inserting ''subsections (c)(1) and (c)(2)'';

(6) in subsections (c)(2)(A), (c)(3), and (c)(4) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d) of this title'' and inserting ''subsection (a)'';

(7) in subsection (c)(2)(B) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(8) in subsection (c)(5) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)''; and

(9) by adding at the end the following:

''(f) LIMITATION ON DISCRETIONARY FUNDS.—The Secretary may distribute not more than $20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).''.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

(2) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

''(1) a summary of airport development and planning completed;

''(2) a summary of individual grants issued;

''(3) an accounting of discretionary and apportioned funds allocated;

''(4) the allocation of appropriations; and''.

(d) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) in subsection (a) by striking ''47102(3)(F),''; and

(2) in subsection (b)—

(A) by striking ''47102(3)(F),''; and

(B) by striking ''47103(3)(F),''.

(e) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting ''46319,'' after ''46318,''.

(f) OTHER CONFORMING AMENDMENTS.—

(1) Section 40117(a)(3)(B) is amended by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(2) Section 47108(e)(3) is amended—

(A) by striking ''section 47110(d)(2)'' and inserting ''section 47119(a)''; and

(B) by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(g) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property'' and all that follows through ''(10 U.S.C. 2687 note))''.

(h) DEFINITIONS.—

(1) CONGESTED AIRPORT.—Section 47175(2) is amended by striking ''2001'' and inserting ''2004 or any successor report''.

(2) JOINT USE AIRPORT.—Section 47175 is amended by adding at the end the following:

''(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the Department of Defense, at which both military and civilian aircraft make shared use of the airfield.''.

SEC. 152. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2014''.

SEC. 153. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

The Administrator of the Federal Aviation Administration, to the extent practicable, shall

schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

SEC. 154. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall begin a study to evaluate the formulation of the national plan of integrated airport systems (in this section referred to as the ''plan'') under section 47103 of title 49, United States Code.

(b) CONTENTS OF STUDY.—The study shall include a review of the following:

(1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.

(2) The changes in airport capital needs as shown in the 2005–2009 and 2007–2011 plans, compared with the amounts apportioned or otherwise made available to individual airports between 2005 and 2010.

(3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) An analysis on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year.

(6) A documentation and review of the methods used by airports to reach the 10,000 passenger enplanement threshold, including whether such airports subsidize commercial flights to reach such threshold, at every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent calendar years for which such data is available.

(7) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) REPORT TO CONGRESS.—

(1) SUBMISSION.—Not later than 36 months after the date that the Secretary begins the study under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the issues described in subsection (b);

(B) recommendations for any changes to policies and procedures for formulating the plan; and

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 155. TRANSFERS OF TERMINAL AREA AIR NAVIGATION EQUIPMENT TO AIRPORT SPONSORS.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

''§ 44518. Transfers of terminal area air navigation equipment to airport sponsors

''(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administrator may carry out a pilot program under which the Administrator may transfer ownership, operating, and maintenance responsibilities for terminal area air navigation equipment at an airport to the airport sponsor.

''(b) PARTICIPATION.—The Administrator may select the sponsors of not more than 3 nonhub airports, 3 small hub airports, 3 medium hub airports, and 1 large hub airport to participate in the pilot program.

''(c) TERMS AND CONDITIONS OF TRANSFER FOR AIRPORT SPONSORS.—As a condition of participating in the pilot program, the airport sponsor shall provide assurances satisfactory to the Administrator that the sponsor will—

''(1) operate and maintain the terminal area air navigation equipment transferred to the sponsor under this section in accordance with standards to be established by the Administrator;

''(2) permit the Administrator (or a person designated by the Administrator) to conduct inspections of such terminal area air navigation equipment under a schedule established by the Administrator; and

''(3) acquire and maintain new terminal area air navigation equipment at the airport as needed to replace equipment at the end of its useful life or to meet new standards established by the Administrator.

''(d) TERMS AND CONDITIONS OF TRANSFER FOR ADMINISTRATOR.—When the Administrator approves an airport sponsor's participation in the pilot program, the Administrator shall transfer, at no cost to the sponsor, all rights, title, and interests of the United States in and to the terminal area air navigation equipment to be transferred to the sponsor under the program, including the real property on which the equipment is located.

''(e) TREATMENT OF AIRPORT COSTS.—Any costs incurred by an airport sponsor for ownership and maintenance of terminal area air navigation equipment transferred under this section shall be considered a cost of providing airfield facilities and services under standards and guidelines issued by the Secretary of Transportation under section 47129(b)(2) and may be recovered in rates and charges assessed for use of the airport's airfield.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) SPONSOR.—The term 'sponsor' has the meaning given that term in section 47102.

''(2) TERMINAL AREA AIR NAVIGATION EQUIPMENT.—The term 'terminal area air navigation equipment' means an air navigation facility as defined in section 40102 that exists to provide approach and landing guidance to aircraft, but does not include buildings used for air traffic control functions.

''(g) GUIDELINES.—The Administrator shall issue guidelines on the implementation of the program.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 445 is amended by adding at the end the following:

''44518. Transfers of terminal area air navigation equipment to airport sponsors.''.

SEC. 156. AIRPORT PRIVATIZATION PROGRAM.

(a) APPROVAL OF APPLICATIONS.—Section 47134(b) is amended—

(1) in the matter preceding paragraph (1) by striking ''5 airports'' and inserting ''10 airports''; and

(2) paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretary may grant an exemption to an airport sponsor from the requirements of sections 47107(b) and 47133 (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved by the Secretary after the sponsor has consulted—

''(i) in the case of a primary airport, with each air carrier and foreign air carrier serving the airport, as determined by the Secretary; and

''(ii) in the case of a nonprimary airport, with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.''; and

(B) by striking subparagraph (C).

(b) TERMS AND CONDITIONS.—Section 47134(c) is amended—

(1) by striking paragraphs (4), (5), and (9);

(2) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively; and

(3) by adding at the end the following:

''(7) A fee imposed by the airport on an air carrier or foreign air carrier may not include any portion for a return on investment or recovery of principal with respect to consideration paid to a public agency for the lease or sale of the airport unless that portion of the fee is approved by the air carrier or foreign air carrier.''.

(c) PARTICIPATION OF CERTAIN AIRPORTS.—Section 47134 is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (m) as subsections (d) through (l), respectively.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to an exemption issued to an airport under section 47134 of title 49, United States Code, before, on, or after the date of enactment of this Act.

TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) NEXTGEN.—The term ''NextGen'' means the Next Generation Air Transportation System.

(2) ADS–B.—The term ''ADS–B'' means automatic dependent surveillance-broadcast.

(3) ADS–B OUT.—The term ''ADS–B Out'' means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft.

(4) ADS–B IN.—The term ''ADS–B In'' means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft as well as the ability of the aircraft to receive information from other transmitting aircraft and the ground infrastructure.

(5) RNAV.—The term ''RNAV'' means area navigation.

(6) RNP.—The term ''RNP'' means required navigation performance.

SEC. 202. NEXTGEN DEMONSTRATIONS AND CONCEPTS.

In allocating amounts appropriated pursuant to section 48101(a) of title 49, United States Code, the Secretary of Transportation shall give priority to the following NextGen activities:

(1) NextGen demonstrations and infrastructure.

(2) NextGen trajectory-based operations.

(3) NextGen reduced weather impact.

(4) NextGen high-density arrivals/departures.

(5) NextGen collaborative air traffic management.

(6) NextGen flexible terminals and airports.

(7) NextGen safety, security, and environmental reviews.

(8) NextGen networked facilities.

(9) The Center for Advanced Aviation System Development.

(10) NextGen system development.

(11) Data communications system implementation.

(12) ADS–B infrastructure deployment and operational implementation.

(13) Systemwide information management.

(14) NextGen facility consolidation and realignment.

(15) En route automation modernization.

(16) National airspace system voice switch.

(17) NextGen network enabled weather.

SEC. 203. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended in the last sentence by inserting ''with or'' before ''without reimbursement''.

SEC. 204. CHIEF NEXTGEN OFFICER.

Section 106 is amended by adding at the end the following:

''(s) CHIEF NEXTGEN OFFICER.—

''(1) IN GENERAL.—

''(A) APPOINTMENT.—There shall be a Chief NextGen Officer appointed by the Administrator. The Chief NextGen Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

''(B) QUALIFICATIONS.—The Chief NextGen Officer shall have a demonstrated ability in management and knowledge of or experience in aviation and systems engineering.

''(C) TERM.—The Chief NextGen Officer shall be appointed for a term of 5 years.

''(D) REMOVAL.—The Chief NextGen Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the implementation of NextGen.

''(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief NextGen Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(2) COMPENSATION.—

''(A) IN GENERAL.—The Chief NextGen Officer shall be paid at an annual rate of basic pay to be determined by the Administrator. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief NextGen Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief NextGen Officer were described in section 207(c)(2)(A)(i) of that title.

''(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief NextGen Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief NextGen Officer's performance in relation to the performance goals set forth in the performance agreement described in paragraph (3).

''(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief NextGen Officer, in consultation with the Federal Aviation Management Advisory Council, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief NextGen Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

''(4) ANNUAL PERFORMANCE REPORT.—The Chief NextGen Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Science and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual management report containing such information as may be prescribed by the Secretary.

''(5) RESPONSIBILITIES.—The responsibilities of the Chief NextGen Officer include the following:

''(A) Implementing NextGen activities and budgets across all program offices of the Federal Aviation Administration.

''(B) Coordinating the implementation of NextGen activities with the Office of Management and Budget.

''(C) Reviewing and providing advice on the Administration's modernization programs, budget, and cost accounting system with respect to NextGen.

''(D) With respect to the budget of the Administration—

''(i) developing a budget request of the Administration related to the implementation of NextGen;

''(ii) submitting such budget request to the Administrator; and

''(iii) ensuring that the budget request supports the annual and long-range strategic plans of the Administration with respect to NextGen.

''(E) Consulting with the Administrator on the Capital Investment Plan of the Administration prior to its submission to Congress.

''(F) Developing an annual NextGen implementation plan.

''(G) Ensuring that NextGen implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into NextGen in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation.

''(H) Coordinating with the NextGen Joint Planning and Development Office with respect to facilitating cooperation among all Federal agencies whose operations and interests are affected by the implementation of NextGen.

''(6) EXCEPTION.—If the Administrator appoints as the Chief NextGen Officer, pursuant to paragraph (1)(A), an Executive Schedule employee covered by section 5315 of title 5, then paragraphs (1)(B), (1)(C), (2), and (3) of this subsection shall not apply to such employee.

''(7) NEXTGEN DEFINED.—For purposes of this subsection, the term 'NextGen' means the Next Generation Air Transportation System.''.

SEC. 205. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking subparagraphs (B) and (C) and inserting the following:

''(B) runway lighting and airport surface visual and other navigation aids;

''(C) apparatus, equipment, software, or service for distributing aeronautical and meteorological information to air traffic control facilities or aircraft;

''(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;'';

(3) in subparagraph (E) (as redesignated by paragraph (1) of this section)—

(A) by striking ''another structure'' and inserting ''any structure, equipment,''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(F) buildings, equipment, and systems dedicated to the national airspace system.''.

SEC. 206. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting ''and'' after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting ''(whether public or private)'' after ''authorities''; and

(B) by striking ''safety.'' and inserting ''safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(l)(6).'';

(2) in paragraph (2) by adding at the end the following: ''The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears.''; and

(3) by striking paragraph (3) and inserting the following:

''(3) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this section shall—

''(A) be credited to the appropriation current when the amount is received;

''(B) be merged with and available for the purposes of such appropriation; and

''(C) remain available until expended.''.

SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) REDESIGNATION OF JPDO DIRECTOR TO ASSOCIATE ADMINISTRATOR.—

(1) ASSOCIATE ADMINISTRATOR FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM PLANNING, DEVELOPMENT, AND INTERAGENCY COORDINATION.—Section 709(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) The head of the Office shall be the Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination, who shall be appointed by the Administrator of the Federal Aviation Administration. The Administrator shall appoint the Associate Administrator after consulting with the Chairman of the Next Generation Senior Policy Committee and providing advanced notice to the other members of that Committee.''.

(2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) in subparagraph (G) by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System planning and development activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the extent practicable in establishing the environmental goals;

''(J) working to ensure global interoperability of the Next Generation Air Transportation System;

''(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

''(L) overseeing, with the Administrator and in consultation with the Chief NextGen Officer, the selection of products or outcomes of research and development activities that should be moved to a demonstration phase; and

''(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation System enterprise architecture requirements.''.

(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking ''(4)'' and inserting ''(4)(A)''; and

(B) by adding at the end the following:

''(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

''(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

''(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

''(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

''(C) The head of a Federal agency referred to in subparagraph (B) shall—

''(i) ensure that the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B);

''(ii) ensure that the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's annual performance evaluations and compensation;

''(iii) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

''(iv) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

''(D) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.''.

(4) COORDINATION WITH OMB.—Section 709(a) of such Act (117 Stat. 2582) is further amended by adding at the end the following:

''(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified, cross-agency program.

''(B) The Director of the Office of Management and Budget, to the extent practicable, shall—

''(i) ensure that—

''(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

''(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

''(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System; and

''(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.

''(7) The Associate Administrator of the Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.''.

(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''meets air'' and inserting ''meets anticipated future air''; and

(B) by striking ''beyond those currently included in the Federal Aviation Administration's operational evolution plan'';

(2) at the end of paragraph (3) by striking ''and'';

(3) at the end of paragraph (4) by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

''(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

''(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

''(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System's end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

''(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

''(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

''(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system;

''(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I); and

''(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.''.

(c) NEXTGEN IMPLEMENTATION PLAN.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

''(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall develop and publish annually the document known as the NextGen Implementation Plan, or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.''.

(d) CONTINGENCY PLANNING.—The Associate Administrator for the Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 209. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) MEETINGS.—Section 710(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following ''and shall meet at least twice each year''.

(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

''(e) ANNUAL REPORT.—

''(1) SUBMISSION TO CONGRESS.—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

''(2) CONTENTS.—The report shall include—

''(A) a copy of the updated integrated work plan;

''(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

''(C) a detailed description of—

''(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

''(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

''(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

''(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.''.

SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) may construct and improve laboratories and other test facilities; and

''(3) may dispose of any interest in property for adequate compensation, and the amount so received shall—

''(A) be credited to the appropriation current when the amount is received;

''(B) be merged with and available for the purposes of such appropriation; and

''(C) remain available until expended.''.

SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REVIEW BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration's award and oversight of any contracts entered into by the Administration to provide ADS–B services for the national airspace system.

(2) CONTENTS.—The review shall include, at a minimum—

(A) an examination of how the Administration manages program risks;

(B) an assessment of expected benefits attributable to the deployment of ADS–B services, including the Administration's plans for implementation of advanced operational procedures and air-to-air applications, as well as the extent to which ground radar will be retained;

(C) an assessment of the Administration's analysis of specific operational benefits, and benefit/costs analyses of planned operational benefits conducted by the Administration, for ADS–B In and ADS–B Out avionics equipage for airspace users;

(C) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(D) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration's program for providing ADS–B services;

(E) an assessment of how security issues are being addressed in the overall design and implementation of the ADS–B system; and

(F) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

(3) REPORTS TO CONGRESS.—The Inspector General shall submit, periodically (and on at

least an annual basis), to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.

(b) RULEMAKINGS.—

(1) ADS–B IN.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to issue guidelines and regulations relating to ADS–B In technology that—

(A) identify the ADS–B In technology that will be required under NextGen;

(B) subject to paragraph (2), require all aircraft operating in capacity constrained airspace, at capacity constrained airports, or in any other airspace deemed appropriate by the Administrator to be equipped with ADS–B In technology by 2020; and

(C) identify—

(i) the type of avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(2) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS–B In technology pursuant to rulemakings conducted under paragraph (1), the Chief NextGen Officer shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) USE OF ADS–B TECHNOLOGY.—

(1) PLANS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee and industry groups, a plan for the use of ADS–B technology for surveillance and active air traffic control.

(2) CONTENTS.—The plan shall—

(A) include provisions to test the use of ADS–B technology for surveillance and active air traffic control in specific regions of the United States with the most congested airspace;

(B) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(C) identify procedures, to be developed in consultation with appropriate employee and industry groups, to conduct air traffic management in mixed equipage environments; and

(D) establish a policy in test regions referred to in subparagraph (A), in consultation with appropriate employee and industry groups, to provide incentives for equipage with ADS–B technology, including giving priority to aircraft equipped with such technology before the 2020 equipage deadline.

SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXTGEN.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the NextGen.

(b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

(3) determine how risks with automation efforts for the NextGen can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the review conducted pursuant to subsection (a).

SEC. 213. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) AIRPORT PROCEDURES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, flight path service providers, and aircraft manufacturers that includes the following:

(A) RNP/RNAV OPERATIONS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 operational evolution partnership airports identified by the Administration.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and utilize those procedures at those airports.

(C) IMPLEMENTATION PLAN.—A plan for implementing those procedures that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps; and

(iii) baseline and performance metrics for—

(I) measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the national airspace system; and

(II) achieving measurable fuel burn and carbon dioxide emissions reductions compared to current performance; and

(iv) expedited environmental review procedures for timely environmental approval of area navigation and required navigation performance that offer significant efficiency improvements as determined by baseline and performance metrics under clause (iii).

(D) ADDITIONAL PROCEDURES.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures not later than 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures not later than 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before June 30, 2015.

(b) ESTABLISHMENT OF PRIORITIES.—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and efficiency benefits to other airports in the national airspace system, including small and medium hub airports.

(c) COORDINATED AND EXPEDITED REVIEW.—Navigation performance and area navigation procedures developed, certified, published, and implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.

(d) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for implementation of a nationwide data communications system. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(e) IMPROVED PERFORMANCE STANDARDS.—

(1) ASSESSMENT OF WORK BEING PERFORMED UNDER NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall clearly outline in the NextGen Implementation Plan document of the Administration the work being performed under the plan to determine—

(A) whether utilization of ADS–B, RNP, and other technologies as part of NextGen implementation will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions; and

(B) the feasibility of reducing aircraft separation standards in a safe manner as a result of the implementation of such technologies.

(2) AIRCRAFT SEPARATION STANDARDS.—If the Administrator determines that the standards referred to in paragraph (1)(B) can be reduced safely, the Administrator shall include in the NextGen Implementation Plan a timetable for implementation of such reduced standards.

(f) THIRD-PARTY USAGE.—The Administration shall establish a program under which the Administration will use third parties in the development, testing, and maintenance of flight procedures.

SEC. 214. PERFORMANCE METRICS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish and begin tracking national airspace system performance metrics, including, at a minimum, metrics with respect to—

(1) actual arrival and departure rates per hour measured against the currently published aircraft arrival rate and aircraft departure rate for the 35 operational evolution partnership airports;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced navigation procedures, including performance based navigation procedures;

(5) the average distance flown between key city pairs;

(6) the time between pushing back from the gate and taking off;

(7) continuous climb or descent;

(8) average gate arrival delay for all arrivals;

(9) flown versus filed flight times for key city pairs;

(10) implementation of NextGen Implementation Plan, or any successor document, capabilities designed to reduce emissions and fuel consumption;

(11) the Administration's unit cost of providing air traffic control services; and

(12) runway safety, including runway incursions, operational errors, and loss of standard separation events.

(b) BASELINES.—The Administrator, in consultation with aviation industry stakeholders,

shall identify baselines for each of the metrics established under subsection (a) and appropriate methods to measure deviations from the baselines.

(c) PUBLICATION.—The Administrator shall make data obtained under subsection (a) available to the public in a searchable, sortable, and downloadable format through the Web site of the Administration and other appropriate media.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(1) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen capabilities and operational results;

(2) information on any additional metrics developed; and

(3) a process for holding the Administration accountable for meeting or exceeding the metrics baselines identified in subsection (b).

SEC. 215. CERTIFICATION STANDARDS AND RESOURCES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) establishment of updated project plans and timelines;

(2) identification of the specific activities needed to certify NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) identification of staffing requirements for the Air Certification Service and the Flight Standards Service, taking into consideration the leveraging of assistance from third parties and designees;

(4) establishment of a program under which the Administration will use third parties in the certification process; and

(5) establishment of performance metrics to measure the Administration's progress.

SEC. 216. SURFACE SYSTEMS ACCELERATION.

(a) IN GENERAL.—The Chief Operating Officer of the Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program referred to in paragraph (1); and

(4) carry out such additional duties as the Administrator of the Federal Aviation Administration may require.

(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—

(1) consider options for expediting the certification of Ground-Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 operational evolution partnership airports by September 30, 2012.

SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

(a) PROCESS FOR EMPLOYEE INCLUSION.—Notwithstanding any other law or agreement, the Administrator of the Federal Aviation Administration shall establish a process or processes for including qualified employees to serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.

(b) ADHERENCE TO DEADLINES.—Participants in these processes shall adhere to all deadlines and milestones established pursuant to this title.

(c) NO CHANGE IN EMPLOYEE STATUS.—Participation in these processes by an employee shall not—

(1) serve as a waiver of any bargaining obligations or rights;

(2) entitle the employee to any additional compensation or benefits; or

(3) entitle the employee to prevent or unduly delay the exercise of management prerogatives.

(d) WORKING GROUPS.—Except in extraordinary circumstances, the Administrator shall not pay overtime related to work group participation.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall report to Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate concerning the disputes between participating employees and Administration management that have led to delays to the implementation of NextGen, including information on the source of the dispute, the resulting length of delay, and associated cost increases.

SEC. 218. SITING OF WIND FARMS NEAR FAA NAVIGATIONAL AIDS AND OTHER ASSETS.

(a) SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical Federal Aviation Administration facilities, the Administrator of the Federal Aviation Administration shall complete a survey and assessment of leases for critical Administration facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) MEMORANDUM OF UNDERSTANDING.—The Administrator and the Secretary of Energy shall enter into a memorandum of understanding regarding the use and distribution of the list referred to in paragraph (1)(B), including considerations of privacy and proprietary information, database development, or other relevant applications.

(3) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) GAO ASSESSMENT.—Not later than 180 days after receiving the Administrator's report under subsection (a)(3), the Comptroller General, in consultation with the Administrator and other interested parties, shall report on—

(1) the current and potential impact of wind farms on the national airspace system;

(2) the extent to which the Department of Defense and the Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the NextGen air traffic control system; and

(3) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aids associated with that system.

(c) ISSUANCE OF GUIDELINES.—Not later than 180 days after the Administrator receives the Comptroller's recommendations, the Administrator shall consult with State, Federal, and industry stakeholders and publish guidelines for the construction and operation of wind farms that are to be located in proximity to critical Administration facilities. The guidelines may include—

(1) the establishment of a zone system for wind farms based on proximity to critical Administration assets;

(2) the establishment of turbine height and density limitations on such wind farms; and

(3) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(d) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services of the Senate; and

(2) the Committee on Transportation and Infrastructure, the Committee on Homeland Security, the Committee on Armed Services, and the Committee on Science and Technology of the House of Representatives.

SEC. 219. AIRSPACE REDESIGN.

(a) FINDINGS.—Congress finds the following:

(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the NextGen Implementation Plan.

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2011 and 2012 will not provide estimated capacity benefits without additional funds.

(b) NOISE IMPACTS OF NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.—

(1) MONITORING.—The Administrator of the Federal Aviation Administration, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport, shall monitor the noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.

(2) REPORT.—Not later than one year following the first day of completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to monitoring conducted under paragraph (1).

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a

party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking to maintain the airworthiness or develop product improvements of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 or more years, except that the Administrator may reduce this time if required to address an unsafe condition associated with the product;

''(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental type certificate; and

''(iii) making such data available will enhance aviation safety.

''(B) ENGINEERING DATA DEFINED.—In this section, the term 'engineering data' as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft, engine, propeller, or appliance.

''(C) REQUIREMENT TO MAINTAIN DATA.—The Administrator shall maintain engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate that has been inactive for 3 or more years.''.

SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.

(a) IN GENERAL.—Section 44704(e) is amended to read as follows:

''(e) DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.—

''(1) ISSUANCE.—Beginning January 1, 2013, the Administrator may issue a certificate to a design organization, production organization, or design and production organization to authorize the organization to certify compliance of aircraft, aircraft engines, propellers, and appliances with the requirements and minimum standards prescribed under section 44701(a). An organization holding a certificate issued under this subsection shall be known as a certified design and production organization (in this subsection referred to as a 'CDPO').

''(2) APPLICATIONS.—On receiving an application for a CDPO certificate, the Administrator shall examine and rate the organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the organization has adequate engineering, design, and production capabilities, standards, and safeguards to make certifications of compliance as described in paragraph (1).

''(3) ISSUANCE OF CERTIFICATES BASED ON CDPO FINDINGS.—The Administrator may rely on certifications of compliance by a CDPO when making determinations under this section.

''(4) PUBLIC SAFETY.—The Administrator shall include in a CDPO certificate terms required in the interest of safety.

''(5) NO EFFECT ON POWER OF REVOCATION.—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.''.

(b) APPLICABILITY.—Before January 1, 2013, the Administrator of the Federal Aviation Administration may continue to issue certificates under section 44704(e) of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

(c) CLERICAL AMENDMENTS.—Chapter 447 is amended—

(1) in the heading for section 44704 by striking ''**and design organization certificates**'' and inserting ''**, and design and production organization certificates**''; and

(2) in the analysis for such chapter by striking the item relating to section 44704 and inserting the following:

''44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates.''.

SEC. 304. AIRCRAFT CERTIFICATION PROCESS REVIEW AND REFORM.

(a) GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code.

(b) CONTENTS.—In conducting the assessment, the Administrator shall consider—

(1) the expected number of applications for product certifications and approvals the Administrator will receive under section 44704 of such title in the 1-year, 5-year, and 10-year periods following the date of enactment of this Act;

(2) process reforms and improvements necessary to allow the Administrator to review and approve the applications in a fair and timely fashion;

(3) the status of recommendations made in previous reports on the Administration's certification process;

(4) methods for enhancing the effective use of delegation systems, including organizational designation authorization;

(5) methods for training the Administration's field office employees in the safety management system and auditing; and

(6) the status of updating airworthiness requirements, including implementing recommendations in the Administration's report entitled ''Part 23—Small Airplane Certification Process Study'' (OK–09–3468, dated July 2009).

(c) RECOMMENDATIONS.—In conducting the assessment, the Administrator shall make recommendations to improve efficiency and reduce costs through streamlining and reengineering the certification process under section 44704 of such title to ensure that the Administrator can conduct certifications and approvals under such section in a manner that supports and enables the development of new products and technologies and the global competitiveness of the United States aviation industry.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment, together with an explanation of how the Administrator will implement recommendations made under subsection (c) and measure the effectiveness of the recommendations.

(e) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than one year after the date of enactment of this Act, the Administrator shall begin to implement the recommendations made under subsection (c).

SEC. 305. CONSISTENCY OF REGULATORY INTERPRETATION.

(a) ESTABLISHMENT OF ADVISORY PANEL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish an advisory panel comprised of both Government and industry representatives to—

(1) review the October 2010 report by the Government Accountability Office on certification and approval processes (GAO–11–14); and

(2) develop recommendations to address the findings in the report and other concerns raised by interested parties, including representatives of the aviation industry.

(b) MATTERS TO BE CONSIDERED.—The advisory panel shall—

(1) determine the root causes of inconsistent interpretation of regulations by the Administration's Flight Standards Service and Aircraft Certification Service;

(2) develop recommendations to improve the consistency of interpreting regulations by the Administration's Flight Standards Service and Aircraft Certification Service; and

(3) develop recommendations to improve communications between the Administration's Flight Standards Service and Aircraft Certification Service and applicants and certificate and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the advisory panel, together with an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations.

SEC. 306. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) CONTENTS OF PLAN.—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near and long term actions designed to reduce the severity, number, and rate of runway incursions, losses of standard separation, and operational errors;

(iii) time frames and resources needed for the actions described in clause (ii);

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(v) a review of every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and proposed action to improve airport lighting, provide better signs, and improve runway and taxiway markings; and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) PROCESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall develop a process for tracking and investigating operational errors, losses of standard separation, and runway incursions that includes procedures for—

(1) identifying who is responsible for tracking operational errors, losses of standard separation, and runway incursions, including a process for lower level employees to report to higher supervisory levels and for frontline managers to receive the information in a timely manner;

(2) conducting periodic random audits of the oversight process; and

(3) ensuring proper accountability.

(c) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than December 31, 2011, the Administrator shall submit to Congress a report containing a plan for the installation and deployment of systems the Administrator is installing to alert controllers or flight

crewmembers, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan document of the Administration or any successor document.

SEC. 307. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) REQUIREMENTS.—Improved pilot licenses issued under subsection (a) shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, and any other unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered with, altered, or counterfeited.

(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

(e) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

(2) EXPIRATION.—The Administrator shall not be required to submit annual reports under this subsection after the date on which the Administrator begins issuing improved pilot licenses under this section or December 31, 2015, whichever occurs first.

SEC. 308. FLIGHT ATTENDANT FATIGUE.

(a) STUDY.—The Administrator of the Federal Aviation Administration, acting through the Civil Aerospace Medical Institute, shall conduct a study on the issue of flight attendant fatigue.

(b) CONTENTS.—The study shall include the following:

(1) A survey of field operations of flight attendants.

(2) A study of incident reports regarding flight attendant fatigue.

(3) A review of international policies and practices regarding flight limitations and rest of flight attendants.

(4) An analysis of potential benefits of training flight attendants regarding fatigue.

(c) REPORT.—Not later than September 30, 2012, the Administrator shall submit to Congress a report on the results of the study.

SEC. 309. FLIGHT STANDARDS EVALUATION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the Flight Standards Evaluation Program—

(1) to include periodic and random reviews as part of the Administration's oversight of air carriers; and

(2) to prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual, at any time in the 5-year period preceding the date of the review or audit, had responsibility for inspecting, or overseeing the inspection of, the operations of that carrier.

(b) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Flight Standards Evaluation Program, including the Administrator's findings and recommendations with respect to the program.

(c) FLIGHT STANDARDS EVALUATION PROGRAM DEFINED.—In this section, the term ''Flight Standards Evaluation Program'' means the program established by the Federal Aviation Administration in FS 1100.1B CHG3, including any subsequent revisions thereto.

SEC. 310. COCKPIT SMOKE.

(a) STUDY.—The Comptroller General shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to the use of new technologies to prevent or mitigate the effects of dense, continuous smoke in the cockpit of a commercial aircraft.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 311. SAFETY OF AIR AMBULANCE OPERATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44730. Helicopter air ambulance operations

''(a) COMPLIANCE REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 6 months after the date of enactment of this section, part 135 certificate holders providing air ambulance services shall comply, whenever medical personnel are onboard the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.

''(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

''(b) RULEMAKING.—The Administrator shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.

''(c) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall address the following:

''(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

''(2) Pilot training standards, including—

''(A) mandatory training requirements, including a minimum time for completing the training requirements;

''(B) training subject areas, such as communications procedures and appropriate technology use; and

''(C) establishment of training standards in—

''(i) crew resource management;

''(ii) flight risk evaluation;

''(iii) preventing controlled flight into terrain;

''(iv) recovery from inadvertent flight into instrument meteorological conditions;

''(v) operational control of the pilot in command; and

''(vi) use of flight simulation training devices and line-oriented flight training.

''(3) Safety-enhancing technology and equipment, including—

''(A) helicopter terrain awareness and warning systems;

''(B) radar altimeters;

''(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and

''(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

''(4) Such other matters as the Administrator considers appropriate.

''(d) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall provide for the following:

''(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

''(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

''(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

''(C) requires the pilots of the certificate holder to use the checklist.

''(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

''(e) RULEMAKING.—The Administrator shall—

''(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking under subsection (b); and

''(2) not later than 16 months after the last day of the comment period on the proposed rule, issue a final rule.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) PART 135.—The term 'part 135' means part 135 of title 14, Code of Federal Regulations.

''(2) PART 135 CERTIFICATE HOLDER.—The term 'part 135 certificate holder' means a person holding a certificate issued under part 135.

''§ 44731. Collection of data on helicopter air ambulance operations

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than one year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

''(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

''(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

''(3) The number of flight requests for a helicopter providing air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, interfacility transport, organ transport, or ferry or repositioning flight).

''(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.

''(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing air ambulance services.

''(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing air ambulance services.

''(7) The number of incidents, if any, in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport.

''(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

''(c) DATABASE.—Not later than 6 months after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

''(d) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

''(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term 'part 135 certificate holder' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.''.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2)(C) (as redesignated by this Act) is amended by inserting before the period the following: ''and the development and maintenance of helicopter approach procedures''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''444730. Helicopter air ambulance operations.
''444731. Collection of data on helicopter air ambulance operations.''.

SEC. 312. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

SEC. 313. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with owners and operators of helicopters providing air ambulance services under such part 135 and aviation safety professionals to determine the benefits, financial considerations, and risks associated with requiring the use of night vision goggles.

(c) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 314. PROHIBITION ON PERSONAL USE OF ELECTRONIC DEVICES ON FLIGHT DECK.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44732. Prohibition on personal use of electronic devices on flight deck

''(a) IN GENERAL.—It is unlawful for a flight crewmember of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the flight crewmember's duty station on the flight deck of such an aircraft while the aircraft is being operated.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier and the Administrator of the Federal Aviation Administration.

''(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709 by amending, modifying, suspending, or revoking a certificate under this chapter.

''(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—In this section, the term 'personal wireless communications device' means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.''.

(b) PENALTY.—Section 44711(a) is amended—

(1) by striking ''or'' after the semicolon in paragraph (8);

(2) by striking ''title.'' in paragraph (9) and inserting ''title; or''; and

(3) by adding at the end the following:

''(10) violate section 44732 or any regulation issued thereunder.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''44732. Prohibition on personal use of electronic devices on flight deck.''.

(d) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking procedure for regulations to carry out section 44733 of title 49, United States Code, and shall issue a final rule thereunder not later than 2 years after the date of enactment of this Act.

(e) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the flight crewmembers on the flight deck of a commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations regarding how to reduce distractions for flight crewmembers on the flight deck of a commercial aircraft.

SEC. 315. NONCERTIFICATED MAINTENANCE PROVIDERS.

(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that covered work on an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by persons in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations; or

(3) subject to subsection (c), a person that—

(A) provides contract maintenance workers, services, or maintenance functions to a part 145 repair station or part 121 air carrier; and

(B) meets the requirements of the part 121 air carrier or the part 145 repair station.

(c) TERMS AND CONDITIONS.—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:

(1) The part 121 air carrier or the part 145 repair station shall be directly in charge of the covered work being performed.

(2) The covered work shall be carried out in accordance with the part 121 air carrier's maintenance manual.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED WORK.—The term ''covered work'' means a required inspection item, as defined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

SEC. 316. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44733. Inspection of foreign repair stations

''(a) IN GENERAL.—Not later than one year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for each part 145 repair station based on the type, scope, and complexity of work being performed by the repair station, which shall—

''(1) ensure that repair stations outside the United States are subject to appropriate inspections that are based on identified risks and consistent with United States requirements;

''(2) accept consideration of inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

''(3) require all maintenance safety or maintenance implementation agreements with the United States to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

''(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on or before the 30th day after initiating formal negotiations with a foreign aviation authority or other appropriate foreign government agency on a new maintenance safety or maintenance implementation agreement.

''(c) ANNUAL REPORT.—Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator shall publish a report on the Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a), which shall—

''(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify and track where part 121 air carrier repair work is performed;

''(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed for the oversight and implementation;

''(3) describe the training provided to inspectors with respect to the oversight and implementation;

''(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and

''(5) specify the number of sample inspections performed by Federal Aviation Administration inspectors at each repair station that is covered by a maintenance safety or maintenance implementation agreement with the United States.

''(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary of State and the Secretary of Transportation shall request, jointly, the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.

''(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Not later than one year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program that is determined acceptable by the Administrator and is consistent with the applicable laws of the country in which the repair station is located.

''(e) INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected as frequently as determined warranted by the safety assessment system required by subsection (a), regardless of where the station is located, and in a manner consistent with United States obligations under international agreements.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

''(2) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''44733. Inspection of foreign repair stations.''.

SEC. 317. SUNSET OF LINE CHECK.

Section 44729(h) is amended by adding at the end the following:

''(4) SUNSET OF LINE CHECK.—Paragraph (2) shall cease to be effective following the one-year period beginning on the date of enactment of the FAA Reauthorization and Reform Act of 2011 unless the Secretary certifies that the requirements of paragraph (2) are necessary to ensure safety.''.

Subtitle B—Unmanned Aircraft Systems

SEC. 321. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.—The term ''certificate of waiver'' or ''certificate of authorization'' means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) SENSE AND AVOID CAPABILITY.—The term ''sense and avoid capability'' means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ''public unmanned aircraft system'' means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) SMALL UNMANNED AIRCRAFT.—The term ''small unmanned aircraft'' means an unmanned aircraft weighing less than 55 pounds.

(5) TEST RANGE.—The term ''test range'' means a defined geographic area where research and development are conducted.

(6) UNMANNED AIRCRAFT.—The term ''unmanned aircraft'' means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

SEC. 322. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) INTEGRATION PLAN.—

(1) COMPREHENSIVE PLAN.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with representatives of the aviation industry and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) MINIMUM REQUIREMENTS.—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations or projections for the rulemaking to be conducted under subsection (b)—

(i) to define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) to ensure that commercial unmanned aircraft systems include a sense and avoid capability, if necessary for safety purposes; and

(iii) to develop standards and requirements for the operator and pilot of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to provide for the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach for the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) DEADLINE.—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system not later than September 30, 2015.

(4) REPORT TO CONGRESS.—The Secretary shall submit to Congress—

(A) not later than one year after the date of enactment of this Act, a copy of the plan developed under paragraph (1); and

(B) annually thereafter, a report on the activities of the Secretary under this section.

(b) RULEMAKING.—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

SEC. 323. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system. The Secretary may make such determination before completion of the plan and rulemaking required by section 322 of this Act or the guidance required by section 324 of this Act.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures. the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Secretary shall develop and implement operational and certification standards for operation of public unmanned aircraft systems.

SEC. 325. UNMANNED AIRCRAFT SYSTEMS TEST RANGES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at 4 test ranges.

(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;

(4) address both commercial and public unmanned aircraft systems;

(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(c) TEST RANGE LOCATIONS.—In determining the location of the 4 test ranges of the program under subsection (a), the Administrator shall—

(1) take into consideration geographic and climatic diversity; and

(2) after consulting with the Administrator of the National Aeronautics and Space Administration and the Secretary of the Air Force, take into consideration the location of available research radars.

Subtitle C—Safety and Protections

SEC. 331. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:

''(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 2-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 332. REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by regional teams of employees of the Administration, including at least one employee on each team representing aviation safety inspectors, on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Administration regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—A regional team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards Service a report each month on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) BIANNUAL REPORTS TO CONGRESS.—The Administrator, on a biannual basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 333. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.—In this section, the term ''Voluntary Disclosure Reporting Program'' means the program established by the Federal Aviation Administration through Advisory Circular 00–58A, dated September 8, 2006, including any subsequent revisions thereto.

(b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers are implementing comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that a violation with the same root causes, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) SUPERVISORY REVIEW OF VOLUNTARY SELF-DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) INSPECTOR GENERAL STUDY.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, if the Administration—

(A) conducts comprehensive reviews of voluntary disclosure reports before closing a voluntary disclosure report under the provisions of the program;

(B) evaluates the effectiveness of corrective actions taken by air carriers; and

(C) effectively prevents abuse of the voluntary disclosure reporting program through its secondary review of self-disclosures before they are accepted and closed by the Administration.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 334. AVIATION WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 (as amended by this Act) is further amended by adding at the end the following:

''(t) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this section referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(C) TERM.—The Director shall be appointed for a term of 5 years.

''(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety has occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is required by regulation, statute, or court order, or is otherwise unavoidable, in which case the Director shall provide the individual reasonable advanced notice of the disclosure.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred.

''(4) RESPONSES TO RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator receives a report with respect to an investigation, the Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety has occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations.''.

SEC. 335. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

(a) RULEMAKING ON APPLICABILITY OF PART 121 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting

operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(b) RULEMAKING ON APPLICABILITY OF PART 135 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than one year after the date of enactment of this Act, the Administrator shall initiate a rulemaking proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

(c) SEPARATE RULEMAKING PROCEEDINGS REQUIRED.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).

TITLE IV—AIR SERVICE IMPROVEMENTS

Subtitle A—Essential Air Service

SEC. 401. ESSENTIAL AIR SERVICE MARKETING.

Section 41733(c)(1) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) by striking ''and'' at the end of subparagraph (D); and

(3) by inserting after subparagraph (D) the following:

''(E) whether the air carrier has included a plan in its proposal to market its services to the community; and''.

SEC. 402. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 is amended by adding at the end the following:

''(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

''(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

''(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

''(A) the procedures established pursuant to paragraph (2); and

''(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap.

''(4) SUBSIDY CAP DEFINED.—In this subsection, the term 'subsidy cap' means the subsidy cap established by section 332 of Public Law 106–69 (113 Stat. 1022).''.

SEC. 403. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.

(a) COMPENSATION GUIDELINES.—Section 41737(a)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

''(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.''.

(b) DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by this section.

(c) REPORT.—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

SEC. 404. ESSENTIAL AIR SERVICE REFORM.

(a) AUTHORIZATION.—Section 41742(a)(1) is amended—

(1) by striking ''the sum of $50,000,000 is'' and inserting ''the following sums are''; and

(2) by striking ''subchapter for each fiscal year.'' and inserting ''subchapter:

''(A) $50,000,000 for each fiscal year through fiscal year 2013.

''(B) The amount necessary, as determined by the Secretary, to carry out the essential air service program in Alaska and Hawaii for fiscal year 2014 and each fiscal year thereafter.''.

(b) ADDITIONAL FUNDS.—Section 41742(a)(2) is amended by striking ''there is authorized to be appropriated $77,000,000 for each fiscal year'' and inserting ''there is authorized to be appropriated out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 $97,500,000 for fiscal year 2011, $60,000,000 for fiscal year 2012, and $30,000,000 for fiscal year 2013''.

(c) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Section 41742(b) is amended to read as follows:

''(b) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Notwithstanding any other provision of law, the Secretary is authorized to take such actions as may be necessary to administer the essential air service program under this subchapter within the amount of funding made available for the program.''.

SEC. 405. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) in subparagraph (E) by striking ''fashion.'' and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a regional or multistate application to consolidate air service into one regional airport.''.

(b) AUTHORITY TO MAKE AGREEMENTS.—Section 41743(e) is amended to read as follows:

''(e) AUTHORITY TO MAKE AGREEMENTS.—Subject to the availability of amounts made available under section 41742(a)(4)(A), the Secretary may make agreements to provide assistance under this section.''.

SEC. 406. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.—Subject to the availability of funds, the Secretary of Transportation may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.—

(1) IN GENERAL.—Section 41734(d) is amended by striking ''continue to pay'' and all that follows through ''compensation sufficient'' and inserting ''provide the carrier with compensation sufficient''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

(c) SUBSIDY CAP.—Subject to the availability of funds, the Secretary may waive, on a case-by-case basis, the subsidy-per-passenger cap established by section 332 of Public Law 106–69 (113 Stat. 1022). A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.

SEC. 407. REPEAL OF EAS LOCAL PARTICIPATION PROGRAM.

Section 41747, and the item relating to section 41747 in the analysis for chapter 417, are repealed.

SEC. 408. SUNSET OF ESSENTIAL AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41749. Sunset

''(a) IN GENERAL.—Except as provided in subsection (b), the authority of the Secretary of Transportation to carry out the essential air service program under this subchapter shall sunset on October 1, 2013.

''(b) ALASKA AND HAWAII.—The Secretary may continue to carry out the essential air service program under this subchapter in Alaska and Hawaii following the sunset date specified in subsection (a).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by inserting after the item relating to section 41748 the following:

''41749. Sunset.''.

Subtitle B—Passenger Air Service Improvements

SEC. 421. SMOKING PROHIBITION.

(a) IN GENERAL.—Section 41706 is amended—

(1) in the section heading by striking ''***scheduled***'' and inserting ''***passenger***''; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) SMOKING PROHIBITION IN INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—An individual may not smoke—

''(1) in an aircraft in scheduled passenger interstate or intrastate air transportation; or

''(2) in an aircraft in nonscheduled passenger interstate or intrastate air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking—

''(1) in an aircraft in scheduled passenger foreign air transportation; and

''(2) in an aircraft in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

''41706. Prohibitions against smoking on passenger flights.''.

SEC. 422. MONTHLY AIR CARRIER REPORTS.

(a) IN GENERAL.—Section 41708 is amended by adding at the end the following:

''(c) DIVERTED AND CANCELLED FLIGHTS.—

''(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

''(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report pursuant to part 234 of title 14, Code of Federal Regulations, shall be subject to the requirement of paragraph (1).

''(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

''(A) For a diverted flight—

''(i) the flight number of the diverted flight;

''(ii) the scheduled destination of the flight;

''(iii) the date and time of the flight;

''(iv) the airport to which the flight was diverted;

''(v) wheels-on time at the diverted airport;

''(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

''(vii) if the flight arrives at the scheduled destination airport—

''(I) the gate-departure time at the diverted airport;

''(II) the wheels-off time at the diverted airport;

''(III) the wheels-on time at the scheduled arrival airport; and

''(IV) the gate-arrival time at the scheduled arrival airport.

''(B) For flights cancelled after gate departure—

''(i) the flight number of the cancelled flight;

''(ii) the scheduled origin and destination airports of the cancelled flight;

''(iii) the date and time of the cancelled flight;

''(iv) the gate-departure time of the cancelled flight; and

''(v) the time the aircraft returned to the gate.

''(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the Internet Web site of the Department of Transportation.''.

(b) EFFECTIVE DATE.—Beginning not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a).

SEC. 423. FLIGHT OPERATIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND-PERIMETER EXEMPTIONS.—Section 41718(a) is amended—

(1) by striking ''Secretary'' the first place it appears and inserting ''Secretary of Transportation''; and

(2) by striking ''24'' and inserting ''34''.

(b) LIMITATIONS.—Section 41718(c)(2) is amended by striking ''3 operations'' and inserting ''5 operations''.

(c) SLOTS.—Section 41718(c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) SLOTS.—The Secretary shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport under section 93.123(a) of title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Secretary, in order to grant exemptions under subsection (a).''.

(d) SCHEDULING PRIORITY.—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) SCHEDULING PRIORITY.—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be provided a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority provided to beyond-perimeter operations conducted by the new entrant air carriers and limited incumbent air carriers.''.

SEC. 424. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

''§ 41724. Musical instruments

''(a) INSTRUMENTS IN PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in a closet, baggage compartment, or cargo stowage compartment (approved by the Administrator of the Federal Aviation Administration) in the passenger compartment of the aircraft used to provide such transportation if—

''(1) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator; and

''(2) there is space for such stowage on the aircraft.

''(b) LARGE INSTRUMENTS IN PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to be secured in a closet, baggage compartment, or cargo stowage compartment pursuant to subsection (a) in the passenger compartment of the aircraft used to provide such transportation if—

''(1) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator; and

''(2) the passenger has purchased a seat to accommodate the instrument.

''(c) INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier providing air transportation shall transport as baggage a musical instrument that may not be carried in the passenger compartment of the aircraft used to provide such transportation pursuant to subsection (a) or (b) and that is the property of a passenger on the aircraft if—

''(1) the sum of the length, width, and height of the instrument (measured in inches of the outside linear dimensions of the instrument, including the case) does not exceed 150 inches or the size restrictions for that aircraft;

''(2) the weight of the instrument does not exceed 165 pounds or the weight restrictions for that aircraft; and

''(3) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator.

''(d) AIR CARRIER TERMS.—Nothing in this section shall be construed as prohibiting an air carrier from limiting the carrier's liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the carrier.''.

(b) REGULATIONS.—The Secretary of Transportation may prescribe such regulations as may be necessary or appropriate to implement the amendment made by subsection (a).

(c) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41724. Musical instruments.''.

SEC. 425. PASSENGER AIR SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

''CHAPTER 423—PASSENGER AIR SERVICE IMPROVEMENTS

''§ 42301. Emergency contingency plans

''(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each of the following air carriers and airport operators shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section:

''(1) An air carrier providing covered air transportation at a large hub or medium hub airport.

''(2) An operator of a large hub or medium hub airport.

''(3) An operator of an airport used by an air carrier described in paragraph (1) for diversions.

''(b) AIR CARRIER PLANS.—

''(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

''(A) each large hub and medium hub airport at which the carrier provides covered air transportation; and

''(B) each large hub and medium hub airport at which the carrier has flights for which the carrier has primary responsibility for inventory control.

''(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the carrier will—

''(A) provide food, potable water, restroom facilities, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal;

''(B) allow passengers to deplane following excessive tarmac delays; and

''(C) share facilities and make gates available at the airport in an emergency.

''(c) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the operator, to the maximum extent practicable, will—

''(1) provide for the deplanement of passengers following excessive tarmac delays;

''(2) provide for the sharing of facilities and make gates available at the airport in an emergency; and

''(3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared U.S. Customs and Border Protection.

''(d) UPDATES.—

''(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

''(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

''(e) APPROVAL.—

''(1) IN GENERAL.—Not later than 60 days after the date of the receipt of an emergency contingency plan submitted under subsection (a) or an update submitted under subsection (d), the Secretary shall review and approve or, if necessary,

require modifications to the plan or update to ensure that the plan or update will effectively address emergencies and provide for the health and safety of passengers.

''(2) FAILURE TO APPROVE OR REQUIRE MODIFICATIONS.—If the Secretary fails to approve or require modifications to a plan or update under paragraph (1) within the timeframe specified in that paragraph, the plan or update shall be deemed to be approved.

''(3) ADHERENCE REQUIRED.—An air carrier or airport operator shall adhere to an emergency contingency plan of the carrier or operator approved under this section.

''(f) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

''(g) PUBLIC ACCESS.—An air carrier or airport operator required to submit an emergency contingency plan under this section shall ensure public access to the plan after its approval under this section on the Internet Web site of the carrier or operator or by such other means as determined by the Secretary.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) COVERED AIR TRANSPORTATION.—The term 'covered air transportation' means scheduled or public charter passenger air transportation provided by an air carrier that operates an aircraft that as originally designed has a passenger capacity of 30 or more seats.

''(2) TARMAC DELAY.—The term 'tarmac delay' means the period during which passengers are on board an aircraft on the tarmac—

''(A) awaiting takeoff after the aircraft doors have been closed or after passengers have been boarded if the passengers have not been advised they are free to deplane; or

''(B) awaiting deplaning after the aircraft has landed.

''§ 42302. Consumer complaints

''(a) IN GENERAL.—The Secretary of Transportation shall establish a consumer complaints toll-free hotline telephone number for the use of passengers in air transportation and shall take actions to notify the public of—

''(1) that telephone number; and

''(2) the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation.

''(b) NOTICE TO PASSENGERS ON THE INTERNET.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the Internet Web site of the carrier—

''(1) the hotline telephone number established under subsection (a);

''(2) the email address, telephone number, and mailing address of the air carrier for the submission of complaints by passengers about air travel service problems; and

''(3) the Internet Web site and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of complaints by passengers about air travel service problems.

''(c) NOTICE TO PASSENGERS ON BOARDING DOCUMENTATION.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include the hotline telephone number established under subsection (a) on—

''(1) prominently displayed signs of the carrier at the airport ticket counters in the United States where the air carrier operates; and

''(2) any electronic confirmation of the purchase of a passenger ticket for air transportation issued by the air carrier.

''§ 42303. Use of insecticides in passenger aircraft

''(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

''(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.''.

(b) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting ''chapter 423,'' after ''chapter 421,''.

(c) APPLICABILITY OF REQUIREMENTS.—Except as otherwise provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

(d) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

''423. Passenger Air Service Improvements ..... 42301''.

SEC. 426. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States commercial air carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members, are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

SEC. 427. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR–2000–112 and titled ''Audit of Air Carrier Flight Delays and Cancellations''.

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, including with respect to the number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers' scheduling practices;

(3) the need for a reexamination of capacity benchmarks at the Nation's busiest airports;

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers;

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes;

(6) the effect of the rules and regulations of the Department of Transportation on the decisions of air carriers to delay or cancel flights; and

(7) the impact of flight delays and cancellations on the airline industry.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 428. DENIED BOARDING COMPENSATION.

(a) EVALUATION OF DENIED BOARDING COMPENSATION.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Transportation shall evaluate the amount provided by air carriers for denied boarding compensation.

(b) ADJUSTMENT OF AMOUNT.—If, upon completing an evaluation required under subsection (a), the Secretary determines that the amount provided for denied boarding compensation should be adjusted, the Secretary shall issue a regulation to adjust such compensation.

SEC. 429. COMPENSATION FOR DELAYED BAGGAGE.

(a) STUDY.—The Comptroller General shall conduct a study to—

(1) examine delays in the delivery of checked baggage to passengers of air carriers; and

(2) assess the options for and examine the impact of establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier's baggage performance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 430. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that—

(1) the aircraft operations of air carriers during any hour at an airport exceed the hourly maximum departure and arrival rate established by the Administrator for such operations; and

(2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse

effect on the safe and efficient use of navigable airspace,

the Administrator shall convene a meeting of such carriers to reduce pursuant to section 41722 of title 49, United States Code, on a voluntary basis, the number of such operations so as not to exceed the maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a meeting with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport so as not to exceed the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

SEC. 431. DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

The Secretary of Transportation may investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats on flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flyer miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

SEC. 432. STUDY OF OPERATORS REGULATED UNDER PART 135.

(a) STUDY REQUIRED.—The Administrator of the Federal Aviation Administration, in consultation with interested parties, shall conduct a study of operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) CONTENTS.—In conducting the study under subsection (a), the Administrator shall analyze the part 135 fleet in the United States, which shall include analysis of—

(1) the size and type of aircraft in the fleet;

(2) the equipment utilized by the fleet;

(3) the hours flown each year by the fleet;

(4) the utilization rates with respect to the fleet;

(5) the safety record of various categories of use and aircraft types with respect to the fleet, through a review of the database of the National Transportation Safety Board;

(6) the sales revenues of the fleet; and

(7) the number of passengers and airports served by the fleet.

(c) REPORT.—

(1) INITIAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

(2) UPDATES.—Not later than 3 years after the date of the submission of the report required under paragraph (1), and every 2 years thereafter, the Administrator shall update the report required under that paragraph and submit the updated report to the committees specified in that paragraph.

SEC. 433. USE OF CELL PHONES ON PASSENGER AIRCRAFT.

(a) CELL PHONE STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study on the impact of the use of cell phones for voice communications in an aircraft during a flight in scheduled passenger air transportation where currently permitted by foreign governments in foreign air transportation.

(b) CONTENTS.—The study shall include—

(1) a review of foreign government and air carrier policies on the use of cell phones during flight;

(2) a review of the extent to which passengers use cell phones for voice communications during flight; and

(3) a summary of any impacts of cell phone use during flight on safety, the quality of the flight experience of passengers, and flight attendants.

(c) COMMENT PERIOD.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register the results of the study and allow 60 days for public comment.

(d) CELL PHONE REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

TITLE V—ENVIRONMENTAL STREAMLINING

SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.

(a) GENERAL REQUIREMENTS.—Section 40128(a)(1)(C) is amended by inserting ''or voluntary agreement under subsection (b)(7)'' before ''for the park''.

(b) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—Section 40128(a) is amended by adding at the end the following:

''(5) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour operations over the park each year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

''(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

''(C) LIST OF PARKS.—

''(i) IN GENERAL.—The Director and Administrator shall jointly publish a list each year of national parks that are covered by the exemption provided under this paragraph.

''(ii) NOTIFICATION OF WITHDRAWAL OF EXEMPTION.—The Director shall inform the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B).

''(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director a report each year that includes the number of commercial air tour operations the operator conducted during the preceding one-year period over such park.''.

(c) AIR TOUR MANAGEMENT PLANS.—Section 40128(b) is amended by adding at the end the following:

''(7) VOLUNTARY AGREEMENTS.—

''(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant commercial air tour operator and an operator that has interim operating authority) that has applied to conduct commercial air tour operations over a national park to manage commercial air tour operations over such national park.

''(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

''(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

''(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

''(iii) provide for fees for such operations.

''(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

''(D) TERMINATION.—

''(i) IN GENERAL.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of—

''(I) the Director, if the Director determines that the agreement is not adequately protecting park resources or visitor experiences; or

''(II) the Administrator, if the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system.

''(ii) EFFECT OF TERMINATION.—If a voluntary agreement with respect to a national park is terminated under this subparagraph, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.''.

(d) INTERIM OPERATING AUTHORITY.—Section 40128(c) is amended—

(1) by striking paragraph (2)(I) and inserting the following:

''(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this subsection, if—

''(i) adequate information regarding the existing and proposed operations of the operator under the interim operating authority is provided to the Administrator and the Director;

''(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees with the modification, based on the professional expertise of the Director regarding the protection of the resources, values, and visitor use and enjoyment of the park.''; and

(2) in paragraph (3)(A) by striking ''if the Administrator determines'' and all that follows through the period at the end and inserting ''without further environmental process beyond that described in this paragraph, if—

''(i) adequate information on the proposed operations of the operator is provided to the Administrator and the Director by the operator making the request;

''(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.''.

(e) OPERATOR REPORTS.—Section 40128 is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following:

''(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

''(1) REPORT.—Each commercial air tour operator conducting a commercial air tour operation over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan or voluntary agreement under subsection (b) shall submit to the Administrator and the Director a report regarding the number of commercial air tour operations over each national park that are

conducted by the operator and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

''(2) REPORT SUBMISSION.—Not later than 90 days after the date of enactment of the FAA Reauthorization and Reform Act of 2011, the Administrator and the Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and the Director with a frequency and in a format prescribed by the Administrator and the Director.''.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—

(1) in the first sentence by striking ''prescribe regulations'' and inserting ''issue guidance''; and

(2) in the second sentence by striking ''regulations'' and inserting ''guidance''.

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: '', including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements''.

(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended by adding at the end the following:

''(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

''(1) coordinate and consult with the State;

''(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

''(3) as necessary, consult with the State to describe the supplemental analysis the State must provide to meet applicable Federal requirements.''.

SEC. 503. NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS STREAMLINING.

(a) AVIATION PROJECT REVIEW PROCESS.—Section 47171(a) is amended in the matter preceding paragraph (1) by striking ''and aviation security projects'' and inserting ''aviation security projects, and NextGen environmental efficiency projects''.

(b) AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.—Section 47171(b) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS AND CERTAIN NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS.—The following projects shall be subject to the coordinated and expedited environmental review process requirements set forth in this section:

''(A) An airport capacity enhancement project at a congested airport.

''(B) A NextGen environmental efficiency project at an Operational Evolution Partnership airport or any congested airport.''; and

(2) in paragraph (2)—

(A) in the heading by striking ''AND AVIATION SECURITY PROJECTS'' and inserting ''PROJECTS, AVIATION SECURITY PROJECTS, AND ANY NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS'';

(B) in subparagraph (A) by striking ''or aviation security project'' and inserting '', an aviation security project, or any NextGen environmental efficiency project''; and

(C) in subparagraph (B) by striking ''or aviation security project'' and inserting '', aviation security project, or NextGen environmental efficiency project''.

(c) HIGH PRIORITY FOR ENVIRONMENTAL REVIEWS.—Section 47171(c)(1) is amended by striking ''an airport capacity enhancement project at a congested airport'' and inserting ''a project described in subsection (b)(1)''.

(d) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—Section 47171(d) is amended by striking ''each airport capacity enhancement project at a congested airport'' and inserting ''a project described in subsection (b)(1)''.

(e) LEAD AGENCY RESPONSIBILITY.—Section 47171(h) is amended by striking ''airport capacity enhancement projects at congested airports'' and inserting ''projects described in subsection (b)(1)''.

(f) ALTERNATIVES ANALYSIS.—Section 47171(k) is amended by striking ''an airport capacity enhancement project at a congested airport'' and inserting ''a project described in subsection (b)(1)''.

(g) DEFINITIONS.—Section 47171 is amended by adding at the end the following:

''(n) DEFINITIONS.—In this section, the following definitions apply:

''(1) CONGESTED AIRPORT.—The term 'congested airport' means an airport that accounted for at least one percent of all delayed aircraft operations in the United States in the most recent year for which data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2004.

''(2) NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECT.—The term 'NextGen environmental efficiency project' means a Next Generation Air Transportation System aviation project that—

''(A) develops and certifies performance-based navigation procedures; or

''(B) develops other environmental mitigation projects the Secretary may designate as facilitating a reduction in noise, fuel consumption, or emissions from air traffic operations.

''(3) PERFORMANCE-BASED NAVIGATION.—The term 'performance-based navigation' means a framework for defining performance requirements in navigation specifications that—

''(A) can be applied to an air traffic route, instrument procedure, or defined airspace; or

''(B) provides a basis for the design and implementation of automated flight paths, airspace design, and obstacle clearance.''.

SEC. 504. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''services of consultants in order to'' and all that follows through the period at the end and inserting ''services of consultants—

''(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

''(2) to conduct special environmental studies related to an airport project funded with Federal funds;

''(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations;

''(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration; and

''(5) to facilitate the timely processing, review, and completion of environmental activities associated with new or amended flight procedures, including performance-based navigation procedures, such as required navigation performance procedures and area navigation procedures.''.

SEC. 505. NOISE COMPATIBILITY PROGRAMS.

Section 47504(a)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''operations.'' in subparagraph (E) and inserting ''operations; and''; and

(3) by adding at the end the following:

''(F) conducting comprehensive land use planning (including master plans, traffic studies, environmental evaluation, and economic and feasibility studies), jointly with neighboring local jurisdictions undertaking community redevelopment in an area in which land or other property interests have been acquired by the operator pursuant to this section, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

SEC. 506. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

''(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(C) shall remain available until expended.''.

SEC. 507. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

''(f) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.''.

SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

''(a) PROHIBITION.—Except as otherwise provided by this section, after December 31, 2014, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIGUOUS STATES.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) TEMPORARY OPERATIONS.—The Secretary may allow temporary operation of an aircraft

otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

''(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

''(2) To scrap the aircraft.

''(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

''(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

''(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

''(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

''(7) To provide transport of persons and goods in the relief of an emergency situation.

''(8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

''(d) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary for the implementation of this section.

''(e) STATUTORY CONSTRUCTION.—

''(1) AIP GRANT ASSURANCES.—Noncompliance with subsection (a) shall not be construed as a violation of section 47107 or any regulations prescribed thereunder.

''(2) PENDING APPLICATIONS.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended—

*(A) in the section heading by striking ''**for violating sections 47528–47530**''; and*

(B) by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 is amended by inserting ''or 47534'' after ''47528–47531''.

(3) The analysis for subchapter II of chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

''47531. Penalties.''; and

(B) by adding at the end the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.''.

SEC. 509. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) MAXIMUM AMOUNT.—Not more than a total of $2,500,000 may be expended under the pilot program at any single public-use airport.

SEC. 510. HIGH PERFORMANCE, SUSTAINABLE, AND COST-EFFECTIVE AIR TRAFFIC CONTROL FACILITIES.

The Administrator of the Federal Aviation Administration may implement, to the extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption at, improve the environmental performance of, and reduce the cost of maintenance for such facilities.

SEC. 511. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the ''ICAO'') in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, completed in Chicago on December 7, 1944 (TIAS 1591; commonly known as the ''Chicago Convention''), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through ICAO.

SEC. 512. AVIATION NOISE COMPLAINTS.

(a) TELEPHONE NUMBER POSTING.—Not later than 90 days after the date of enactment of this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

(b) SUMMARIES AND REPORTS.—Not later than 15 months after the date of enactment of this Act, and annually thereafter, an owner or operator that receives noise complaints from 25 individuals during the preceding year under subsection (a) shall submit to the Administrator of the Federal Aviation Administration a report regarding the number of complaints received and a summary regarding the nature of such complaints. The Administrator shall make such information available to the public by electronic means.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) DISPUTE RESOLUTION.—Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by striking paragraph (2) and inserting the following:

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

''(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Reauthorization and Reform Act of 2011); or

''(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

''(B) MID-TERM BARGAINING.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a mid-term collective-bargaining agreement, the Federal Service Impasses Panel shall assist the parties in resolving the impasse in accordance with section 7119 of title 5.

''(C) BINDING ARBITRATION FOR TERM BARGAINING.—

''(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a term collective-bargaining agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

''(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Not later than 10 days after receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list not later than 7 days after being selected. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

''(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

''(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

''(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

''(vi) MATTERS FOR CONSIDERATION.—The arbitration board shall take into consideration such factors as—

''(I) the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce;

''(II) the effect of its arbitration decisions on the Federal Aviation Administration's budget;

''(III) the effect of its arbitration decisions on other Federal Aviation Administration employees; and

''(IV) any other factors whose consideration would assist the board in fashioning a fair and equitable award.

''(vii) COSTS.—The parties shall share costs of the arbitration equally.

''(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(C), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and the final agreement shall be subject to approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).''.

SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) in subparagraph (G) by striking ''and'' after the semicolon;

(2) in subparagraph (H) by striking ''Board.'' and inserting ''Board; and''; and

(3) by adding at the end the following:

''(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards) and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

''(i) for purposes of applying such provisions to the personnel management system—

''(I) the term 'agency' means the Department of Transportation;

''(II) the term 'senior executive' means a Federal Aviation Administration executive;

''(III) the term 'career appointee' means a Federal Aviation Administration career executive; and

''(IV) the term 'senior career employee' means a Federal Aviation Administration career senior professional;

''(ii) receipt by a career appointee or a senior career employee of the rank of Meritorious Executive or Meritorious Senior Professional entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

''(iii) receipt by a career appointee or a senior career employee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.''.

SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of the Administrator's technical training strategy and improvement plan for airway transportation systems specialists (in this section referred to as ''FAA systems specialists'').

(2) CONTENTS.—The study shall include—

(A) a review of the current technical training strategy and improvement plan for FAA systems specialists;

(B) recommendations to improve the technical training strategy and improvement plan needed by FAA systems specialists to be proficient in the maintenance of the latest technologies;

(C) a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies; and

(D) a recommendation regarding the most cost-effective approach to provide training to FAA systems specialists.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system in the most cost effective manner.

(2) CONSULTATION.—In conducting the study, the National Academy of Sciences shall interview interested parties, including labor, government, and industry representatives.

(3) REPORT.—Not later than one year after the initiation of the arrangements under paragraph (1), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 604. SAFETY CRITICAL STAFFING.

(a) IN GENERAL.—Not later than October 1, 2011, the Administrator of the Federal Aviation Administration shall implement, to the extent practicable and in a cost-effective manner, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled ''Staffing Standards for Aviation Safety Inspectors''. In doing so, the Administrator shall consult with interested persons, including aviation safety inspectors.

(b) REPORT.—Not later than October 1 of each fiscal year beginning after September 30, 2011, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, the staffing model described in subsection (a).

(c) SAFETY CRITICAL POSITIONS DEFINED.—In this section, the term ''safety critical positions'' means—

(1) aviation safety inspectors, safety technical specialists, and operational support positions in the Flight Standards Service (as such terms are used in the Administration's fiscal year 2011 congressional budget justification); and

(2) manufacturing safety inspectors, pilots, engineers, chief scientific and technical advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration's fiscal year 2011 congressional budget justification).

SEC. 605. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the air traffic controller standards used by the Federal Aviation Administration (in this section referred to as the ''FAA'') to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system in the most cost effective manner.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall interview interested parties, including employee, Government, and industry representatives.

(c) CONTENTS.—The study shall include—

(1) an examination of representative information on productivity, human factors, traffic activity, and improved technology and equipment used in air traffic control;

(2) an examination of recent National Academy of Sciences reviews of the complexity model performed by MITRE Corporation that support the staffing standards models for the en route air traffic control environment; and

(3) consideration of the Administration's current and estimated budgets and the most cost-effective staffing model to best leverage available funding.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 606. AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.

Section 44506 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.—

''(1) APPOINTMENT OF AIR TRAFFIC CONTROL SPECIALISTS.—The Administrator is authorized to appoint a qualified air traffic control specialist candidate for placement in an airport traffic control facility if the candidate has—

''(A) received a control tower operator certification (referred to in this subsection as a 'CTO' certificate); and

''(B) satisfied all other applicable qualification requirements for an air traffic control specialist position.

''(2) COMPENSATION AND BENEFITS.—An individual appointed under paragraph (1) shall receive the same compensation and benefits, and be treated in the same manner as, any other individual appointed as a developmental air traffic controller.

''(3) REPORT.—Not later than 18 months after the date of enactment of the FAA Reauthorization and Reform Act of 2011, the Administrator shall submit to Congress a report that evaluates the effectiveness of the air traffic control specialist qualification training provided pursuant to this section, including the graduation rates of candidates who received a CTO certificate and are working in airport traffic control facilities.

''(4) ADDITIONAL APPOINTMENTS.—If the Administrator determines that air traffic control specialists appointed pursuant to this subsection are more successful in carrying out the duties of an air traffic controller than air traffic control specialists hired from the general public without any such certification, the Administrator shall increase the number of appointments of candidates who possess such certification.

''(5) REIMBURSEMENT FOR TRAVEL EXPENSES ASSOCIATED WITH CERTIFICATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may accept reimbursement from an educational entity that provides training to an air traffic control specialist candidate to cover reasonable travel expenses of the Administrator associated with issuing certifications to such candidates.

''(B) TREATMENT OF REIMBURSEMENTS.—Notwithstanding section 3302 of title 31, any reimbursement authorized to be collected under subparagraph (A) shall—

''(i) be credited as offsetting collections to the account that finances the activities and services for which the reimbursement is accepted;

''(ii) be available for expenditure only to pay the costs of activities and services for which the reimbursement is accepted, including all costs associated with collecting such reimbursement; and

''(iii) remain available until expended.''.

SEC. 607. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers, including the Administrator's technical training strategy and improvement plan for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) a review of the current training system for air traffic controllers, including the technical training strategy and improvement plan;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current and future projected air traffic control environment;

(3) an analysis of the competencies projected to be required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System;

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3);

(5) recommendations to improve the current training system for air traffic controllers, including the technical training strategy and improvement plan; and

(6) the most cost-effective approach to provide training to air traffic controllers.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science,

and Transportation of the Senate a report on the results of the study.

SEC. 608. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Comptroller General shall conduct a study on training options for graduates of the Collegiate Training Initiative program (in this section referred to as ''CTI'' programs) conducted under section 44506(c) of title 49, United States Code.

(b) CONTENTS.—The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Federal Aviation Administration a new controller orientation session at the Mike Monroney Aeronautical Center for graduates of CTI programs followed by on-the-job training for newly hired air traffic controllers who are graduates of CTI programs and shall include an analysis of—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of CTI programs.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. FAA FACILITY CONDITIONS.

(a) STUDY.—The Comptroller General shall conduct a study of—

(1) the conditions of a sampling of Federal Aviation Administration facilities across the United States, including offices, towers, centers, and terminal radar air control;

(2) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation, and facility-related hazards in facilities of the Administration;

(3) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(4) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(5) whether employees of the Administration who report facility-related illnesses are treated appropriately;

(6) utilization of scientifically approved remediation techniques to mitigate hazardous conditions in accordance with applicable State and local regulations and Occupational Safety and Health Administration practices by the Administration; and

(7) resources allocated to facility maintenance and renovation by the Administration.

(b) FACILITY CONDITION INDICES.—The Comptroller General shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (c).

(c) RECOMMENDATIONS.—Based on the results of the study and review of facility condition indices under subsection (a), the Comptroller General shall make such recommendations as the Comptroller General considers necessary to—

(1) prioritize those facilities needing the most immediate attention based on risks to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging facilities do not deteriorate to unsafe levels.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on results of the study, including the recommendations under subsection (c).

SEC. 610. FRONTLINE MANAGER STAFFING.

(a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall commission an independent study on frontline manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator may take into consideration—

(1) the managerial tasks expected to be performed by frontline managers, including employee development, management, and counseling;

(2) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(3) coverage requirements in relation to traffic demand;

(4) facility type;

(5) complexity of traffic and managerial responsibilities;

(6) proficiency and training requirements; and

(7) such other factors as the Administrator considers appropriate.

(c) PARTICIPATION.—The Administrator shall ensure the participation of frontline managers who currently work in safety-related operational areas of the Administration.

(d) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the heads of the appropriate lines of business within the Administration, including the Chief Operating Officer of the Air Traffic Organization.

(e) REPORT.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

(f) DEFINITION.—In this section, the term ''frontline manager'' means first-level, operational supervisors and managers who work in safety-related operational areas of the Administration.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended by striking ''shall extend through'' and all that follows through ''the termination date'' and inserting ''shall extend through September 30, 2013, and may extend through December 31, 2013, the termination date''.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

''(3) SUCCESSOR PROGRAM.—

''(A) IN GENERAL.—After December 31, 2021, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(B) TRANSFER OF PREMIUMS.—

''(i) IN GENERAL.—On December 31, 2021, and except as provided in clause (ii), premiums collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

''(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2021;

''(II) the amount of any claims pending under such policies as of December 31, 2021; and

''(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2021.''.

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

The first sentence of section 44303(b) is amended by striking ''ending on'' and all that follows through ''the Secretary may certify'' and inserting ''ending on December 31, 2013, the Secretary may certify''.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

The second sentence of section 44304 is amended by striking ''the carrier'' and inserting ''any insurance carrier''.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

The second sentence of section 44308(c)(1) is amended by striking ''agent'' and inserting ''agent, or a claims adjuster who is independent of the underwriting agent,''.

TITLE VIII—MISCELLANEOUS

SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

''(4) Section 552a of title 5 shall not apply to disclosures that the Administrator may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.''.

SEC. 802. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40130. FAA access to criminal history records and database systems

''(a) ACCESS TO RECORDS AND DATABASE SYSTEMS.—

''(1) ACCESS TO INFORMATION.—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may have direct access to a system of documented criminal justice information maintained by the Department of Justice or by a State, but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

''(2) RELEASE OF INFORMATION.—In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with direct access to the system.

''(3) LIMITATION.—The Administrator may not use the direct access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration who shall carry out the authority described in subsection (a). The designated employees may—

''(1) have direct access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by

a State or local authority in that State who is certified or commissioned under the laws of that State has direct access and in the same manner as such police officer; and

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term 'system of documented criminal justice information' means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40130. FAA access to criminal history records and database systems.''.

SEC. 803. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting ''chapter 451,'' before ''section 47107(b)'';

(2) in subsection (a)(5)(A)(i)—

(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(B) by inserting after ''44909)'' the following: '', or chapter 451'';

(3) in subsection (d)(2)—

(A) by inserting after ''44723)'' the following: '', chapter 451 (except section 45107)'';

(B) by inserting after ''44909),'' the following: ''section 45107,'';

(C) by striking ''46302'' and inserting ''section 46302''; and

(D) by striking ''46303'' and inserting ''section 46303''; and

(4) in subsection (f)(1)(A)(i)—

(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(B) by inserting after ''44909)'' the following: '', or chapter 451''.

SEC. 804. REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.

(a) IN GENERAL.—Chapter 445 (as amended by this Act) is further amended by adding at the end the following new section:

''§ 44519. Realignment and consolidation of FAA services and facilities

''(a) PURPOSE.—The purpose of this section is to establish a fair process that will result in the realignment and consolidation of FAA services and facilities to help reduce capital, operating, maintenance, and administrative costs and facilitate Next Generation Air Transportation System air traffic control modernization efforts without adversely affecting safety.

''(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall realign and consolidate FAA services and facilities pursuant to recommendations made by the Aviation Facilities and Services Board established under subsection (g).

''(c) ADMINISTRATOR'S RECOMMENDATIONS.—

''(1) PROPOSED CRITERIA.—

''(A) IN GENERAL.—The Administrator shall develop proposed criteria for use by the Administrator in making recommendations for the realignment and consolidation of FAA services and facilities under this section.

''(B) PUBLICATION; TRANSMITTAL TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Administrator shall publish the proposed criteria in the Federal Register and transmit the proposed criteria to the congressional committees of interest.

''(C) NOTICE AND COMMENT.—The Administrator shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the Federal Register.

''(2) FINAL CRITERIA.—

''(A) IN GENERAL.—The Administrator shall establish final criteria based on the proposed criteria developed under paragraph (1).

''(B) PUBLICATION; TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Administrator shall publish the final criteria in the Federal Register and transmit the final criteria to the congressional committees of interest.

''(3) RECOMMENDATIONS.—

''(A) IN GENERAL.—The Administrator shall make recommendations for the realignment and consolidation of FAA services and facilities under this section based on the final criteria established under paragraph (2).

''(B) CONTENTS.—The recommendations shall consist of a list of FAA services and facilities for realignment and consolidation, together with a justification for each service and facility included on the list.

''(C) PUBLICATION; TRANSMITTAL TO BOARD AND CONGRESS.—Not later than 120 days after the date of enactment of this section, the Administrator shall publish the recommendations in the Federal Register and transmit the recommendations to the Board and the congressional committees of interest.

''(D) INFORMATION.—The Administrator shall make available to the Board and the Comptroller General all information used by the Administrator in establishing the recommendations.

''(E) ADDITIONAL RECOMMENDATIONS.—The Administrator is authorized to make additional recommendations under this paragraph every 2 years.

''(d) BOARD'S REVIEW AND RECOMMENDATIONS.—

''(1) PUBLIC HEARINGS.—Not later than 30 days after the date of receipt of the Administrator's recommendations under subsection (c), the Board shall conduct public hearings on the recommendations.

''(2) BOARD'S RECOMMENDATIONS.—

''(A) REPORT TO CONGRESS.—Based on the Board's review and analysis of the Administrator's recommendations and any public comments received under paragraph (1), the Board shall develop a report containing the Board's findings and conclusions concerning the Administrator's recommendations, together with the Board's recommendations for realignment and consolidation of FAA services and facilities. The Board shall explain and justify in the report any recommendation made by the Board that differs from a recommendation made by the Administrator.

''(B) PUBLICATION IN FEDERAL REGISTER; TRANSMITTAL TO CONGRESS.—Not later than 60 days after the date of receipt of the Administrator's recommendations under subsection (c), the Board shall publish the report in the Federal Register and transmit the report to the congressional committees of interest.

''(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General shall assist the Board, to the extent requested by the Board, in the Board's review and analysis of the Administrator's recommendations.

''(e) REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.—Subject to subsection (f), the Administrator shall—

''(1) realign or consolidate the FAA services and facilities recommended for realignment or consolidation by the Board in a report transmitted under subsection (d);

''(2) initiate all such realignments and consolidations not later than one year after the date of the report; and

''(3) complete all such realignments and consolidations not later than 3 years after the date of the report.

''(f) CONGRESSIONAL DISAPPROVAL.—

''(1) IN GENERAL.—The Administrator may not carry out a recommendation of the Board for realignment or consolidation of FAA services and facilities that is included in a report transmitted under subsection (d) if a joint resolution of disapproval is enacted disapproving such recommendation before the earlier of—

''(A) the last day of the 30-day period beginning on the date of the report; or

''(B) the adjournment of Congress sine die for the session during which the report is transmitted.

''(2) COMPUTATION OF 30-DAY PERIOD.—For purposes of paragraph (1)(A), the days on which either house of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in computation of the 30-day period.

''(g) AVIATION FACILITIES AND SERVICES BOARD.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall establish an independent board to be known as the 'Aviation Facilities and Services Board'.

''(2) COMPOSITION.—The Board shall be composed of the following members:

''(A) The Secretary (or a designee of the Secretary), who shall be the Chair of the Board.

''(B) Two members appointed by the Secretary, who may not be officers or employees of the Federal Government.

''(C) The Comptroller General (or a designee of the Comptroller General), who shall be a nonvoting member of the Board.

''(3) DUTIES.—The Board shall carry out the duties specified for the Board in this section.

''(4) TERM.—The members of the Board to be appointed under paragraph (2)(B) shall each be appointed for a term of 3 years.

''(5) VACANCIES.—A vacancy in the Board shall be filled in the same manner as the original appointment was made, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

''(6) COMPENSATION AND BENEFITS.—A member of the Board may not receive any compensation or benefits from the Federal Government for serving on the Board, except that—

''(A) a member shall receive compensation for work injuries under subchapter I of chapter 81 of title 5; and

''(B) a member shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from the member's usual place of residence in accordance with section 5703 of title 5.

''(7) STAFF.—The Administrator shall make available to the Board such staff, information, and administrative services and assistance as may be reasonably required to enable the Board to carry out its responsibilities under this section. The Board may employ experts and consultants on a temporary or intermittent basis with the approval of the Secretary.

''(8) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Administrator for each of fiscal years 2011 through 2014 $200,000 for the Board to carry out its duties.

''(2) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

''(i) EFFECT ON OTHER AUTHORITIES.—Nothing in this section shall be construed to affect the authorities provided in section 44503 or the existing authorities or responsibilities of the Administrator under this title to manage the operations of the Federal Aviation Administration, including realignment or consolidation of facilities or services.

''(j) DEFINITIONS.—In this section, the following definitions apply:

''(1) BOARD.—The term 'Board' means the Aviation Facilities and Services Board established under subsection (g).

''(2) CONGRESSIONAL COMMITTEES OF INTEREST.—The term 'congressional committees of interest' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(3) FAA.—The term 'FAA' means the Federal Aviation Administration.

''(4) REALIGNMENT.—The term 'realignment' includes any action that relocates functions and personnel positions but does not include an overall reduction in personnel resulting from workload adjustments.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 445 (as amended by this Act) is further amended by adding at the end the following:

''44519. Realignment and consolidation of FAA services and facilities.''.

SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to assess the feasibility of developing a physical means, or a combination of physical and procedural means, to prohibit individuals other than authorized flight crewmembers from accessing the flight deck of an all-cargo aircraft.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) CONSOLIDATION OR ELIMINATION OF REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration's Internet Web site in an easily accessible and downloadable electronic format.

(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary of Transportation may not use any funds made available pursuant to this Act (including any amendment made by this Act) to name, rename, designate, or redesignate any project or program authorized by this Act (including any amendment made by this Act) for an individual then serving in Congress as a Member, Delegate, Resident Commissioner, or Senator.

SEC. 808. STUDY ON AVIATION FUEL PRICES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general.

(b) CONTENTS.—The study shall include an assessment of the impact of increases in aviation fuel prices on—

(1) general aviation;

(2) commercial passenger aviation;

(3) piston aircraft purchase and use;

(4) the aviation services industry, including repair and maintenance services;

(5) aviation manufacturing;

(6) aviation exports; and

(7) the use of small airport installations.

(c) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 809. WIND TURBINE LIGHTING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

(1) The aviation safety issues associated with alternative lighting strategies, technologies, and regulations.

(2) The feasibility of implementing alternative lighting strategies or technologies to improve aviation safety.

(3) Any other issue relating to wind turbine lighting.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 810. AIR-RAIL CODE SHARING STUDY.

(a) CODE SHARE STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall initiate a study regarding—

(1) the existing airline and intercity passenger rail code sharing arrangements; and

(2) the feasibility, costs to taxpayers and other parties, and benefits of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider—

(1) the potential costs to taxpayers and other parties and benefits of the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through code sharing arrangements;

(2) airport and intercity passenger rail operations that can improve connectivity between airports and intercity passenger rail facilities and stations;

(3) the experience of other countries with airport and intercity passenger rail connectivity; and

(4) such other issues the Comptroller General considers appropriate.

(c) REPORT.—Not later than one year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, including any conclusions of the Comptroller General resulting from the study.

SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT RULES AREA.

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Homeland Security and the Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the D.C. Metropolitan Area Special Flight Rules Area.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the D.C. Metropolitan Area Special Flight Rules Area that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 812. FAA REVIEW AND REFORM.

(a) AGENCY REVIEW.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall undertake a thorough review of each program, office, and organization within the Administration, including the Air Traffic Organization, to identify—

(1) duplicative positions, programs, roles, or offices;

(2) wasteful practices;

(3) redundant, obsolete, or unnecessary functions;

(4) inefficient processes; and

(5) ineffectual or outdated policies.

(b) ACTIONS TO STREAMLINE AND REFORM FAA.—Not later than 120 days after the date of enactment of this Act, the Administrator shall undertake such actions as may be necessary to address the Administrator's findings under subsection (a), including—

(1) consolidating, phasing-out, or eliminating duplicative positions, programs, roles, or offices;

(2) eliminating or streamlining wasteful practices;

(3) eliminating or phasing-out redundant, obsolete, or unnecessary functions;

(4) reforming and streamlining inefficient processes so that the activities of the Administration are completed in an expedited and efficient manner; and

(5) reforming or eliminating ineffectual or outdated policies.

(c) AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall have the authority to undertake the actions required under subsection (b).

(d) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the actions taken by the Administrator under this section, including any recommendations for legislative or administrative actions.

SEC. 813. CYLINDERS OF COMPRESSED OXYGEN OR OTHER OXIDIZING GASES.

(a) IN GENERAL.—Subject to subsection (b), the transportation within the State of Alaska of cylinders of compressed oxygen or other oxidizing gases aboard aircraft shall be exempt from compliance with the regulations described in subsection (c) to the extent that the regulations require that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders.

(b) APPLICABILITY OF EXEMPTION.—The exemption provided by subsection (a) shall apply in circumstances in which transportation of the

cylinders by ground or vessel is unavailable and transportation by aircraft is the only practical means for transporting the cylinders to their destination.

(c) DESCRIPTION OF REGULATORY REQUIREMENTS.—The regulations referred to in subsection (a) are the regulations of the Pipeline and Hazardous Materials Safety Administration contained in sections 173.302(f)(3), 173.302(f)(4), 173.302(f)(5), 173.304(f)(3), 173.304(f)(4), 173.304(f)(5), and 175.501(b) of title 49, Code of Federal Regulations.

TITLE IX—NATIONAL MEDIATION BOARD

SEC. 901. AUTHORITY OF INSPECTOR GENERAL.

Title I of the Railway Labor Act (45 U.S.C. 151 et seq.) is amended by adding at the end the following:

''AUTHORITY OF INSPECTOR GENERAL

''SEC. 15. (a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, is authorized to review the financial management, property management, and business operations of the Mediation Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

''(b) DUTIES.—In carrying out this section, the Inspector General shall—

''(1) keep the chairman of the Mediation Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Mediation Board;

''(2) issue findings and recommendations for actions to address such problems; and

''(3) report periodically to Congress on any progress made in implementing actions to address such problems.

''(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

''(d) AUTHORIZATIONS OF APPROPRIATIONS.—

''(1) FUNDING.—There is authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation not more than $125,000 for each of fiscal years 2011 through 2014 to cover expenses associated with activities pursuant to the authority exercised under this section.

''(2) REIMBURSABLE AGREEMENT.—In the absence of an appropriation under this subsection for an expense referred to in paragraph (1), the Inspector General and the Mediation Board shall have a reimbursable agreement to cover such expense.''.

SEC. 902. EVALUATION AND AUDIT OF NATIONAL MEDIATION BOARD.

Title I of the Railway Labor Act (as amended by section 901 of this Act) is further amended by adding at the end the following:

''EVALUATION AND AUDIT OF MEDIATION BOARD

''SEC. 16. (a) IN GENERAL.—In order to promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the Mediation Board, the Comptroller General shall evaluate and audit the programs and expenditures of the Mediation Board. Such an evaluation and audit shall be conducted at least annually, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.

''(b) RESPONSIBILITY OF COMPTROLLER GENERAL.—The Comptroller General shall evaluate and audit Mediation Board programs, operations, and activities, including at a minimum—

''(1) information management and security, including privacy protection of personally identifiable information;

''(2) resource management;

''(3) workforce development;

''(4) procurement and contracting planning, practices, and policies;

''(5) the extent to which the Mediation Board follows leading practices in selected management areas; and

''(6) the processes the Mediation Board follows to address challenges in—

''(A) initial investigations of representation applications;

''(B) determining and certifying representatives of employees; and

''(C) ensuring that the process occurs without interference, influence, or coercion.

''(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.

SEC. 903. REPEAL OF RULE.

Effective January 1, 2011, the rule prescribed by the National Mediation Board relating to representation election procedures published on May 11, 2010 (95 Fed. Reg. 26062) and revising sections 1202 and 1206 of title 29, Code of Federal Regulations, shall have no force or effect.

TITLE X—FEDERAL AVIATION RESEARCH AND DEVELOPMENT REAUTHORIZATION ACT OF 2011

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Federal Aviation Research and Development Reauthorization Act of 2011''.

SEC. 1002. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the same meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(5) NATIONAL RESEARCH COUNCIL.—The term ''National Research Council'' means the National Research Council of the National Academies of Science and Engineering.

(6) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 48102(a) is amended—

(1) in the matter before paragraph (1) by striking ''of this title'' and inserting ''of this title and, for each of fiscal years 2011 through 2014, under subsection (g)'';

(2) in paragraph (11)—

(A) in subparagraph (K) by inserting ''and'' at the end; and

(B) in subparagraph (L) by striking ''and'' at the end;

(3) in paragraph (13) by striking ''and'' at the end;

(4) in paragraph (14) by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(15) for fiscal year 2011, $165,020,000; and

''(16) for each of the fiscal years 2012 through 2014, $146,827,000.''.

(b) SPECIFIC PROGRAM LIMITATIONS.—Section 48102 is amended by inserting after subsection (f) the following:

''(g) SPECIFIC AUTHORIZATIONS.—The following programs described in the research, engineering, and development account of the national aviation research plan required under section 44501(c) are authorized:

''(1) Fire Research and Safety.

''(2) Propulsion and Fuel Systems.

''(3) Advanced Materials/Structural Safety.

''(4) Atmospheric Hazards—Aircraft Icing/Digital System Safety.

''(5) Continued Airworthiness.

''(6) Aircraft Catastrophic Failure Prevention Research.

''(7) Flightdeck/Maintenance/System Integration Human Factors.

''(8) System Safety Management.

''(9) Air Traffic Control/Technical Operations Human Factors.

''(10) Aeromedical Research.

''(11) Weather Program.

''(12) Unmanned Aircraft Systems Research.

''(13) NextGen—Alternative Fuels for General Aviation.

''(14) Joint Planning and Development Office.

''(15) NextGen—Wake Turbulence Research.

''(16) NextGen—Air Ground Integration Human Factors.

''(17) NextGen—Self Separation Human Factors.

''(18) NextGen—Weather Technology in the Cockpit.

''(19) Environment and Energy Research.

''(20) NextGen Environmental Research—Aircraft Technologies, Fuels, and Metrics.

''(21) System Planning and Resource Management.

''(22) The William J. Hughes Technical Center Laboratory Facility.''.

(c) PROGRAM AUTHORIZATIONS.—If the other accounts described in the national aviation research plan required under section 44501(c) of title 49, United States Code, are authorized for each of the fiscal years 2011 through 2014, the following research and development activities are authorized:

(1) Runway Incursion Reduction.

(2) System Capacity, Planning, and Improvement.

(3) Operations Concept Validation.

(4) NAS Weather Requirements.

(5) Airspace Management Program.

(6) NextGen—Air Traffic Control/Technical Operations Human Factors.

(7) NextGen—Environment and Energy—Environmental Management System and Advanced Noise and Emissions reduction.

(8) NextGen—New Air Traffic Management Requirements.

(9) NextGen—Operations Concept Validation—Validation Modeling.

(10) NextGen—System Safety Management Transformation.

(11) NextGen—Wake Turbulence—Recategorization.

(12) NextGen—Operational Assessments.

(13) NextGen—Staffed NextGen Towers.

(14) Center for Advanced Aviation System Development.

(15) Airports Technology Research Program—Capacity.

(16) Airports Technology Research Program—Safety.

(17) Airports Technology Research Program—Environment.

(18) Airport Cooperative Research—Capacity.

(19) Airport Cooperative Research—Environment.

(20) Airport Cooperative Research—Safety.

SEC. 1004. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking ''and'' after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.''.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking ''and'' after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft system safety; and

''(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.''.

SEC. 1005. RESEARCH PROGRAM ON RUNWAYS.

Section 44505(c) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8); and

(2) by inserting after paragraph (2) the following:

''(3) improved runway surfaces;

''(4) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations;''.

SEC. 1006. RESEARCH ON DESIGN FOR CERTIFICATION.

Section 44505 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) RESEARCH ON DESIGN FOR CERTIFICATION.—

''(1) RESEARCH.—Not later than 1 year after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011, the Administrator shall conduct research on methods and procedures to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

''(2) RESEARCH PLAN.—Not later than 6 months after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011, the Administrator shall develop a plan for the research under paragraph (1) that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

''(3) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council to conduct an independent review of the plan developed under paragraph (2) and shall provide the results of that review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011.''.

SEC. 1007. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking ''establish a 4-year pilot'' and inserting ''maintain an''; and

(2) in paragraph (4)—

(A) by striking ''Not later than 6 months after the expiration of the program under this subsection,'' and inserting ''Not later than September 30, 2012,''; and

(B) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program'' and inserting ''program''.

SEC. 1008. CENTERS OF EXCELLENCE.

(a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

''(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating a center and all related research activities that grant recipients carry out shall not exceed 50 percent of the costs, except that the Administrator may increase such share to a maximum of 75 percent of the costs for any fiscal year if the Administrator determines that a center would be unable to carry out the authorized activities described in this section without additional funds.''.

(b) ANNUAL REPORT.—Section 44513 is amended by adding at the end the following:

''(h) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

''(1) the research projects that have been initiated by each center in the preceding year;

''(2) the amount of funding for each research project and the funding source;

''(3) the institutions participating in each project and their shares of the overall funding for each research project; and

''(4) the level of cost-sharing for each research project.''.

SEC. 1009. CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH.

(a) ESTABLISHMENT.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator may establish a center of excellence to conduct research on—

(1) human performance in the air transportation environment, including among air transportation personnel such as air traffic controllers, pilots, and technicians; and

(2) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(b) ACTIVITIES.—Activities conducted under this section may include the following:

(1) Research, development, and evaluation of training programs for air traffic controllers, aviation safety inspectors, airway transportation safety specialists, and engineers.

(2) Research and development of best practices for recruitment into the aviation field for mission critical positions.

(3) Research, in consultation with other relevant Federal agencies, to develop a baseline of general aviation employment statistics and an analysis of future needs in the aviation field.

(4) Research and the development of a comprehensive assessment of the airframe and powerplant technician certification process and its effect on employment trends.

(5) Evaluation of aviation maintenance technician school environments.

(6) Research and an assessment of the ability to develop training programs to allow for the transition of recently unemployed and highly skilled mechanics into the aviation field.

SEC. 1010. INTERAGENCY RESEARCH ON AVIATION AND THE ENVIRONMENT.

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with NASA and after consultation with other relevant agencies, may maintain a research program to assess the potential effect of aviation on the environment and, if warranted, to evaluate approaches to address any such effect.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Administrator, in coordination with NASA and after consultation with other relevant agencies, shall jointly develop a plan to carry out the research under subsection (a).

(2) CONTENTS.—Such plan shall contain an inventory of current interagency research being undertaken in this area, future research objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(3) REQUIREMENTS.—Such plan—

(A) shall be completed not later than 1 year after the date of enactment of this Act;

(B) shall be submitted to Congress for review; and

(C) shall be updated, as appropriate, every 3 years after the initial submission.

SEC. 1011. AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with the NASA Administrator, shall continue research and development activities into the qualification of an unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft.

(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall, at a minimum—

(1) not later than 120 days after the date of enactment of this Act, develop a research and development plan containing the specific research and development objectives, including consideration of aviation safety, technical feasibility, and other relevant factors, and the anticipated timetable for achieving the objectives;

(2) assess the methods and processes by which the FAA and industry may expeditiously certify and approve new aircraft and recertify existing aircraft with respect to unleaded aviation fuel;

(3) assess technologies that modify existing piston engine aircraft to enable safe operation of the aircraft using unleaded aviation fuel and determine the resources necessary to certify those technologies; and

(4) develop recommendations for appropriate policies and guidelines to facilitate a transition to unleaded aviation fuel for piston engine aircraft.

(c) COLLABORATIONS.—In carrying out the program under subsection (a), the Administrator shall collaborate with—

(1) industry groups representing aviation consumers, manufacturers, and fuel producers and distributors; and

(2) other appropriate Federal agencies.

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall provide a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the plan, information obtained, and policies and guidelines developed pursuant to subsection (b).

SEC. 1012. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary shall conduct a research program related to developing and certifying jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION BY STAKEHOLDERS.—In conducting the program, the Secretary shall provide for participation by educational and research institutions and by industry partners that have existing facilities and experience in the research and development of technology for alternative jet fuels.

(c) COLLABORATIONS.—In conducting the program, the Secretary may collaborate with existing interagency programs—

(1) to further the research and development of alternative jet fuel technology for civil aircraft, including feasibility studies; and

(2) to exchange information with the participants in the Commercial Aviation Alternative Fuels Initiative.

SEC. 1013. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall conduct a review of FAA energy-related and environment-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the energy- and environment-related research programs at NASA, NOAA, and other relevant agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results into FAA's operational technologies and procedures and certification activities.

(b) REPORT.—A report containing the results of such review shall be provided to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 1014. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall conduct a review of the FAA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives;

(4) the programs should include a determination about whether a survey of participants across the air transportation system is an appropriate way to study safety risks within such system; and

(5) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport Cooperative Research Program—safety.

(6) Weather Program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.

(c) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of such review.

TITLE XI—AIRPORT AND AIRWAY TRUST FUND FINANCING

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Airport and Airway Trust Fund Financing Reauthorization Act of 2011''.

SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''April 1, 2011'' and inserting ''October 1, 2014'', and

(2) by inserting ''or the FAA Reauthorization and Reform Act of 2011'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''April 1, 2011'' and inserting ''October 1, 2014''.

SEC. 1103. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''March 31, 2011'' and inserting ''September 30, 2014''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking ''March 31, 2011'' and inserting ''September 30, 2014''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''March 31, 2011'' and inserting ''September 30, 2014''.

TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

SEC. 1201. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–46. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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.

AMENDMENT NO. 1 OFFERED BY MR. MICA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–46.

Mr. MICA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 25, insert ''or near'' after ''adjacent to''.

Page 31, line 8, after ''property owner'' insert ''(or an association representing such property owner)''.

Page 31, line 16, after ''property owner'' insert ''(or an association representing such property owner)''.

Page 32, line 2, insert ''or near'' after ''adjacent to''.

Page 32, line 12, after ''property owner'' insert ''(or an association representing such property owner)''.

Page 87, strike lines 16 through 20 and insert the following:

(2) READINESS VERIFICATION.—Before the Administrator completes an ADS–B In equipage rulemaking proceeding or issues and interim or final rule pursuant to paragraph (1), the Chief NextGen Officer shall verify that—

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

SEC. 220. NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.

(a) DEVELOPMENT OF PLAN.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to expedite the equipage of general aviation and commercial aircraft with NextGen technologies.

(b) CONTENTS.—At a minimum, the plan shall—

(1) be based on public-private partnership principles; and

(2) leverage the use of private sector capital.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the plan.

Page 118, strike line 11 and all that follows through line 5 on page 119 (and redesignate subsequent sections, and conform the table of contents, accordingly).

Page 130, line 24, strike ''44733'' and insert ''44732''.

Page 139, line 21, strike ''commercial'' and insert ''civil'' (and conform the table of contents accordingly).

Page 140, line 4, strike ''commercial'' and insert ''civil''.

Page 140, line 12, strike ''commercial'' and insert ''civil''.

Page 140, lines 18 and 19, strike ''commercial'' and insert ''civil''.

Page 140, line 20, strike ''commercial'' and insert ''civil''.

Page 141, line 10, strike ''commercial'' and insert ''civil''.

Page 141, line 16, strike ''commercial'' and insert ''civil''.

Page 142, line 10, strike ''Secretary'' and insert ''Secretary of Transportation''.

Page 143, strike line 12, and all that follows through line 10 on page 144 and insert the following:

SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures, as the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved;

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems; and

(4) provide guidance on a public entity's responsibility when operating an unmanned aircraft without a civil airworthiness certificate issued by the Federal Aviation Administration.

(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Secretary shall develop and implement operational and certification requirements for operational procedures for public unmanned aircraft systems in the national airspace system.

(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into agreements with appropriate government agencies to simplify the process for issuing certificates of waiver or authorization with respect to applications seeking authorization to operate public unmanned aircraft systems in the national airspace system.

(2) CONTENTS.—The agreements shall—

(A) with respect to an application described in paragraph (1)—

(i) provide for an expedited review of the application;

(ii) require a decision by the Administrator on approval or disapproval within 60 business days of the date of submission of the application; and

(iii) allow for an expedited appeal if the application is disapproved;

(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

(C) allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less, within the line of sight of the operator, less than 400 feet above the ground during daylight conditions, within Class G airspace, outside of 5 statute miles from any airport, heliport, seaplane base or spaceport, or any location with aviation activities.

Page 144, line 16, insert ''not fewer than'' before ''4 test ranges''

Page 145, line 4, strike ''commercial'' and insert ''civil''.

Page 157, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 336. DISCLOSURE AND USE OF INFORMATION.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44734. Disclosure and use of information

''(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in this section, the following reports and data shall not be subject to discovery or subpoena or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any such proceeding:

''(1) A report developed under the Aviation Safety Action Program.

''(2) Data produced or collected under the Flight Operational Quality Assurance Program.

''(3) A report developed under the Line Operations Safety Audit Program.

''(4) Hazard identification, risk assessment, risk control, and safety assurance data produced or collected for purposes of—

''(A) assessing and improving aviation safety; or

''(B) developing and implementing a safety management system acceptable to the Administrator.

''(5) Reports, analyses, and directed studies based in whole or in part on reports or data described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program.

''(b) PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.—Any report or data described in subsection (a) that is voluntarily provided to the Federal Aviation Administration shall be considered to be voluntarily submitted information within the meaning of section 40123, and shall not be disclosed to the public pursuant to section 552(b)(3)(B) of title 5.

''(c) FAA REPORTS.—Notwithstanding any other provision of this section, the Administrator of the Federal Aviation Administration may release documents to the public that include summaries, aggregations, or statistical analyses based on reports or data described in subsection (a).

''(d) SAFETY RECOMMENDATIONS.—Nothing in this section shall be construed to prevent the National Transportation Safety Board, in connection with an ongoing accident investigation, from referring to relevant information contained in reports or data described in subsection (a) in making safety recommendations.

''(e) WAIVER.—Subsection (a) shall not apply with respect to a report developed, or data produced or collected, by or on behalf of a person if that person waives the privileges provided under subsection (a). A waiver under this subsection shall be made in writing or occasioned by the person's own use of the information in presenting a claim or defense.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

''44734. Disclosure and use of information.''.

SEC. 337. LIABILITY PROTECTION FOR PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44735. Liability protection for persons implementing safety management systems

''(a) PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a person that is required by the Administrator of the Federal Aviation Administration to implement a safety management system may not be held liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person's preparation or implementation of, or an event or occurrence contemplated by, the safety management system.

''(2) LIMITATION.—Nothing in this section shall relieve a person from liability for damages resulting from the person's own willful or reckless acts or omissions as demonstrated by clear and convincing evidence.

''(b) ACCOUNTABLE EXECUTIVES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a person who is employed by a person described in subsection (a) and who is responsible for performing the functions of an accountable executive pursuant to a safety management system required by the Administrator—

''(A) shall be deemed to be acting in the person's official capacity as an officer or employee of the person described in subsection (a) when performing such functions; and

''(B) except as provided in paragraph (2), may not be held personally liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person's responsibilities pursuant to the safety management system.

''(2) LIMITATION.—Nothing in this subsection shall relieve a person performing the functions of an accountable executive pursuant to a safety management system from personal liability for damages resulting from the person's willful or reckless acts or omissions as demonstrated by clear and convincing evidence.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

''44735. Liability protection for persons implementing safety management systems.''.

Page 170, strike line 13 and all that follows before line 22 on page 172 and insert the following:

SEC. 424. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

''§ 41724. Musical instruments

''(a) IN GENERAL.—

''(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin if—

''(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator; and

''(B) there is space for such stowage at the time the passenger boards the aircraft.

''(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin if—

''(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

''(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds or the applicable weight restrictions for the aircraft;

''(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator;

''(D) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

''(E) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

''(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches or the applicable size restrictions for the aircraft;

''(B) the weight of the instrument does not exceed 165 pounds or the applicable weight restrictions for the aircraft; and

''(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator.

''(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final regulations to carry out subsection (a).

''(c) EFFECTIVE DATE.—The requirements of this section shall become effective on the date of issuance of the final regulations under subsection (b).''.

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41724. Musical instruments.''.

Page 205, line 12, strike ''2014'' and insert ''2016''.

Page 210, line 6, strike ''and''.

Page 210, line 11, strike the period at the end and insert ''; and''.

Page 210, after line 11, insert the following:

(3) officials the United States Government, and particularly the Secretary of Transportation and the Administrator of the Federal Aviation Administration, should use all political, diplomatic, and legal tools at the disposal of the United States to ensure that the European Union's emissions trading scheme is not applied to aircraft registered by the United States or the operators of those aircraft, including the mandates that United States carriers provide emissions data to and purchase emissions allowances from or surrender emissions allowances to the European Union Member States.

Page 211, line 9, strike ''(a) DISPUTE RESOLUTION.—''.

Page 234, strike line 13 and all that follows before line 7 on page 237 and insert the following (and conform the table of contents accordingly):

SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HISTORY RECORD CHECKS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40130. FAA authority to conduct criminal history record checks

''(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

''(1) ACCESS TO INFORMATION.—The Administrator of the Federal Aviation Administration, for certification purposes of the Administration only, is authorized—

''(A) to conduct, in accordance with the established request process, a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14616); and

''(B) to receive relevant criminal history record information regarding the airman checked.

''(2) RELEASE OF INFORMATION.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and procedures established by the Department of Justice or the State, as appropriate, for other governmental agencies conducting background checks for noncriminal justice purposes.

''(3) LIMITATION.—The Administrator may not use the authority under paragraph (1) to conduct criminal investigations.

''(4) REIMBURSEMENT.—The Administrator may collect reimbursement to process the fingerprint-based checks under this subsection, to be used for expenses incurred, including Federal Bureau of Investigation fees, in providing these services.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Federal Aviation Administration to carry out the authority described in subsection (a).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40130. FAA authority to conduct criminal history record checks.''.

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, 2009–2010 edition, as amended (including amendments adopted after the date of enactment of this Act).

(b) EXCEPTION.—Notwithstanding subsection (a), the Administrator may enforce the prohibition on transporting primary (nonrechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision A100 of the table contained in section 172.102(c)(2) of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

SEC. 815. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may declare certain revenue derived from or generated by mineral extraction at a general aviation airport to be revenue greater than the long-term project, operation, maintenance, planning, and capacity needs of the airport.

(b) USE OF REVENUE.—Subject to subsection (c), if the Administrator issues a declaration with respect to an airport under subsection (a), the airport sponsor may allocate to itself (or to a governing body within the geographical limits of the airport's locality) the revenues identified in the declaration for use in carrying out a Federal, State, or local transportation infrastructure project.

(c) CONDITIONS.—Any declaration made under subsection (a) with respect to an airport shall be subject to the following conditions:

(1) In generating revenue from mineral rights extraction, production, lease, or other means, the airport sponsor shall not charge less than fair market value.

(2) The airport sponsor and the Administrator shall agree on a 20-year capital improvement program that includes, at a minimum, 20-year projected charges, costs, and fees for the development, improvement, operation, and maintenance of the airport, with consideration for costs and charges adjusted for inflation.

(3) The airport sponsor shall agree in writing to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, for a period of 20 years.

(4) The airport sponsor shall comply, during the 20-year period beginning on the date of enactment of this Act, with all grant assurance obligations in effect as of such date of enactment for the airport under section 47107 of such title.

(5) The airport sponsor shall agree in writing to comply with sections 47107(b) and 47133 of such title, except for any exemptions specifically granted by the Administrator in accordance with this section, in perpetuity.

(6) The airport sponsor shall agree in writing to operate the airport as a public-use airport unless the Administrator specifically grants a request to allow the airport to close.

(7) The airport sponsor shall create a provisional fund for current and future environmental impacts, assessments, and any mitigation plans agreed upon with the Administrator.

(d) COMPLETION OF DETERMINATION.—The Administrator shall conduct a review and issue a determination under subsection (a) on or before the 90th day following the date of receipt of an airport sponsor's application and requisite documentation.

(e) GENERAL AVIATION AIRPORT DEFINED.—In this section, the term ''general aviation airport'' means an airport that does not receive scheduled passenger aircraft service.

SEC. 816. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4) by inserting ''(unless the volunteer was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit and was properly licensed and insured for the operation of such aircraft)'' after ''aircraft'' ; and

(2) by striking subsection (c) and inserting the following:

''(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

''(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

''(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

''(B) is properly licensed for the operation of such aircraft; and

''(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer's operation of such aircraft.''.

SEC. 817. AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government's dissemination to the public of information relating to a noncommercial flight carried out by a private owner or operator of an aircraft, whether during or following the flight, does not serve a public policy objective.

(2) Upon the request of a private owner or operator of an aircraft, the Federal Government should not disseminate to the public information relating to noncommercial flights carried out by that owner or operator, as the information should be private and confidential.

(b) AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.—Upon the request of a private owner or operator of an aircraft, the Administrator of the Federal Aviation Administration shall block, with respect to the noncommercial flights of that owner or operator, the display of that owner or operator's aircraft registration number in aircraft situational display data provided by the Administrator to any entity, except a government agency.

SEC. 818. CONTRACTING.

The Administrator of the Federal Aviation Administration shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the Federal Aviation Administration weighs the economic vitality of a region when considering contract proposals for training facilities under the general contracting authority of the Federal Aviation Administration.

SEC. 819. FLOOD PLANNING.

The Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Federal Emergency Management Agency, shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of preparedness and response capability for airports located in flood plains to respond to and seek assistance in rebuilding after catastrophic flooding.

Page 280, after line 2, insert the following (and conform the table of contents accordingly):

TITLE XIII—COMMERCIAL SPACE

SEC. 1301. COMMERCIAL SPACE LAUNCH LICENSE REQUIREMENTS.

Section 50905(c)(3) of title 51, United States Code, is amended by striking ''the date of enactment of the Commercial Space Launch Amendments Act of 2004'' and inserting ''the first licensed launch of a space flight participant''.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. I yield myself as much time as I may consume.

The manager's amendment is pretty simple. First of all, we have tried to accommodate as many Members as we could with their requests and include on both sides of the aisle provisions that they requested that weren't in the original submission.

Additionally, the manager's amendment makes technical corrections to provisions in the underlying bill, including those related to unmanned aircraft systems, ADS–B readiness verification, flight attendant fatigue, FAA access to criminal records databases, and also, as Mr. COBLE said, who was with us earlier, just a small accommodation for another Member who wanted musical instruments, some provisions again in the bill. So we have tried to accommodate many of the Members who have had these questions.

The manager's amendment also contains provisions regarding public-private partnerships to advance NextGen. If the government does it, it usually doesn't get done. If we have public-private partnerships and closely monitor that, we can have great success, reduce costs, and bring technology online that makes it even safer for people to fly at lower costs and with less personnel.

We have protections for voluntary safety data submissions. We also have a provision that is very important for the European Union Emissions Trading scheme. This is very important, because they are trying to close us down or tax us as we enter some of their airspace.

We have agreements at the airport for new revenue liability protections for volunteer pilot organizations, for public benefit flights, and also for privacy protections for airspace users, and also, finally, the safe shipment of lithium batteries.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, March 31, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for working with me in preparing the Manager's amendment to H.R. 658, the ''FAA Reauthorization and Reform Act of 2011.'' As you know, the amendment includes provisions related to the Freedom of Information Act within the jurisdiction of the Committee on Oversight and Government Reform.

I respectfully request your support for the appointment of outside conferees from the Committee on Oversight and Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

DARRELL ISSA,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 31, 2011.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Oversight and Government Reform's jurisdictional interest in the Manager's amendment to H.R. 658, the ''FAA Reauthorization and Reform Act of 2011.''

Thank you for your willingness to work with me on Freedom of Information Act provisions within the jurisdiction of the Committee on Oversight and Government Reform Committee. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

JOHN L. MICA,
Chairman.

I reserve the balance of my time.

Mr. RAHALL. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. I oppose this amendment because, for me, it raises two key concerns.

First is that the amendment would basically create a liability shield for airlines and airports that are negligent and cause airplane crashes.

Last year, Congress directed the FAA to require airlines to implement safety management systems. Using these systems, airlines will use data to identify risk and improve safety. The FAA is likely to require airports to adopt similar systems.

Under this amendment, adoption of a safety management system would give airlines and airports a total ''pass'' on liability for their ordinary negligence. It would deprive passengers and their families of the right to seek compensation for damage caused by airline crashes. The right to go to court and seek compensation for damage caused by the negligence of another person, including an airline or airport, is an intrinsic part of our law. This amendment would take that right away, and I cannot support it.

My last concern is about a provision in the amendment dealing with lithium batteries. The transport of lithium batteries without appropriate safety checks has been proven to present hazards that could bring down an airplane. This amendment would lock the United States into following international standards on transporting lithium batteries that set the floor, not the bar that we should aspire to. It would prevent airlines from conducting acceptance checks of battery shipments and it would derail essential rulemakings by the Department of Transportation to ensure that lithium batteries are transported safely.

For these two reasons, Mr. Chairman, I cannot support the amendment.

I yield the balance of my time to the gentlelady from Maryland (Ms. EDWARDS).

The Acting CHAIR. The gentlewoman from Maryland is recognized for 3 minutes.

Ms. EDWARDS. Mr. Chairman, I rise in opposition to the manager's amendment. This amendment would extend the moratorium on safety regulations for human spaceflight launches for 8 years after the first licensed human spaceflight launch. With these types of flights likely not to begin until 2013, we are talking about delaying safety regulations for a decade or more.

Let me first say that I hope that commercial spaceflight, both manned and unmanned, eventually will become a robust sector of our economy. We are not quite there yet. But certainly some of these companies in this emerging industry openly talk about a business model of flying hundreds of paying passengers to space every year. These are ambitious goals, and I wish them well. I hope I am one of them.

But if these companies are successful and start carrying paying passengers like me, then what we are talking about with this amendment is allowing an entire human transportation system to operate for almost a decade without any meaningful safety regulation. I find that to be unconscionable.

I would point out that by rejecting the amendment, Congress is not dictating that any safety regulations have to be promulgated. On the contrary, under current law, an absolute prohibition exists until the end of 2012. Even after that point, the agency would not be required to move forward with the rulemaking process but would only do so if it saw a need. But imposing an arbitrarily prohibition on safety regulations for the remainder of the decade, if not longer, really abdicates our responsibility to the public.

□ 1620

If there's a fatal accident later in this decade, if we're carrying astronauts and there's an accident in the decade, I don't want it to be said that Congress blocked the establishment of safety regulations that could have prevented that accident, and I don't think many Members in this body would either.

I'd note that it's my understanding that the Science, Space, and Technology Committee is planning on holding hearings this session on this very topic, with an eye towards moving a bill to address these issues sometime in this Congress.

So we're really premature here to set in place a moratorium that we haven't even had a chance to hear debate on and hear from the industry or the FAA or safety experts on the subject. I hope this isn't the kind of rush to judgment that we'll come to expect on issues of public safety.

I have some familiarity with these issues on the Science, Space, and Technology Committee. The commercial

space folks argue that the spacecraft designs and operational concepts are not quite mature enough and that there's been no operational experience on which to base safety regulation. Fair enough. That may be true. But these same people are also arguing that the industry is mature enough for the government to turn over NASA's transport of astronauts to space to them. You cannot have it both ways.

These notions are mutually exclusive. If the industry is mature enough to take on tasks currently performed by the government, then the industry is mature enough to be thinking about a safety regime to ensure the American public is protected in these activities.

Mr. Chair, I want to note that, once again, there's no reason to rush to judgment on these issues.

Mr. MICA. To close on the manager's amendment which I have offered today, first of all, let me just say that the two objections that have been raised again by the minority—and I appreciate their concerns—as to the safety reporting, which we put in some years ago, has actually resulted in probably the safest system that we've had in the world and the safest safety record in history. If you stop and think about it—I chaired the Aviation Subcommittee—the last large commercial aircraft that we had that went down, unfortunately, was near Veterans Day of 2001, after 9/11.

Safety reporting is so important and is done on a voluntary basis, and it's so important that the people who collect this data are not held liable. They're collecting the data that benefits us to make this safe. This has worked. It's kept us safe. And we want to ensure, again, that this continues. Some will say we had commuter. Yes, we did have commuter. We also passed commuter safety legislation to deal with problems we had there. So we have a safe system. We don't want to stop that. We don't want the recording of the data to stop or those held liable that are collecting the data. That's the first point.

The second point: lithium batteries. This is a lithium battery. This has a lithium battery. This is a pacemaker. This keeps your heart going. This has a lithium battery. Laptops have lithium batteries. Almost everything has lithium batteries. Leave it to the DOT to try to put in place rules that would create stopping granny and grandpa and others that need this pacemaker from getting it. If we didn't have this provision in here, it would be a $1.1 billion impact on industry. We'd reroute the shipment of this stuff through other countries to avoid paying and going through the onerous regulations that our government would create.

Countless consumers would be forced to pay more because of silly regulations that don't make any sense. A severe supply chain issue and limitations on supply would be imposed. We would have delays in shipping lifesaving equipment. This little thing here that saves hearts, that's what they want to mess up. One more Federal regulation to delay shipping. Even our troops, who rely on these lithium batteries—their receiving them would be put at risk, the way DOT is doing.

This is a good provision. It needs to be in the bill. We've got to keep some of the regulation, those that put us out of business, put jobs overseas and put people at risk, out of our way.

I urge the House to pass the manager's amendment with these sound provisions that will make a big difference.

ALLIANCE FOR WORKER FREEDOM,
Washington, DC, February 15, 2011.

DEAR REPRESENTATIVE: On behalf of the Alliance for Worker Freedom (AWF), an organization established in 2003 to combat anti-worker legislation and promote free and open labor markets, I urge you to support the Title IX provision in the FAA Reauthorization bill which repeals last year's the unprecedented National Mediation Board (NMB) voting rule change.

I write this letter in anticipation of an amendment which looks to strip this essential provision from FAA Reauthorization.

Last year, the National Mediation Board reversed 75 years worth of precedent and numerous Supreme Court rulings, implementing elections rules whereby a majority of voters in a union election are now able to determine whether a collective bargaining unit has been formed. Prior to this ruling, a majority of a workforce was required to certify a union—a long held and well understood practice. The so-called ''minority rule'' ruling reveals a contempt for workers' preferences, as well as a clear bias towards union interests.

The three member NMB is comprised of two former union officials, both President Obama appointees, giving them a stranglehold over the agency's rulemaking process. It is essential that this obscure agency, beholden to union interests, have its power checked via Congressional action.

Title IX of the FAA Reauthorization legislation addresses the inappropriateness of this administratively imposed rule which aims to facilitate unionization at the expense of workers' preference. Union complaints that it has become too difficult to unionize workers, thus necessitating the NMB's change, are largely unfounded: majority rule has been used in more than 1,850 elections, and unions have won more than 65% of the time.

Title IX looks to reinstate longstanding union election rules which require a majority of the workplace's consent to certify a union.

It is for these reasons that I hope you will help ensure that Title IX remains in the final version of the FAA Reauthorization legislation and oppose any amendments that look to remove this provision.

Sincerely,

CHRISTOPHER PRANDONI,
Executive Director.

CARGO AIRLINE ASSOCIATION URGES PASSAGE OF H.R. 658

MARCH 1, 2011.—The Cargo Airline Association, the voice of the nation's all-cargo air carriers, applauds the efforts in the House of Representatives to enact legislation reauthorizing the programs of the Federal Aviation Administration (H.R. 658). Association president, Steve Alterman, noted that, ''This legislation ensures that modernization of our aviation infrastructure can now move forward, with satellite-based technology replacing our decades-old ground-based systems.'' The bill will also authorize important environmental programs that are critical to ensuring that environmental goals can be met and that alternative fuels research and development can continue.

Mr. Alterman further noted that the provisions of the bill will allow U.S. Carriers to remain competitive in a worldwide economy thereby protecting U.S. jobs and enabling the United States to retain its leadership in aviation technology. He stated that, ''The House proposal provides a long term funding stream for the FAA that will enable the Agency to prioritize and implement the improvements so badly needed by everyone who depends on our aviation system.''

NATIONAL AIR CARRIER ASSOCIATION,
Arlington, VA, March 1, 2011.

Hon. JOHN MICA,
Chairman, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

Hon. NICK RAHALL,
Ranking Member, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN MICA AND RANKING MEMBER RAHALL, I wish to take this opportunity to express my strong support for passage of the House's version of the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011—HR. 658. Our members appreciate your willingness to move H.R. 658 at such a speedy pace. It has been far too long since Congress has passed a long term Reauthorization bill which is critical to the needs of all aspects of aviation.

Among the many positive aspects of this legislation is the authorization of an appropriate level of funds to help get ''NextGen'' moving and a part of aviation's future sooner rather than later. While NextGen equipage is a challenge for many aspects of the industry, including NACA carriers, we believe the funding levels authorized in this legislation is a good starting point for the program. NextGen represents tremendous opportunities for airlines and the traveling public to travel in a safer, faster, and more environmentally friendly aviation system.

Our members also greatly appreciate the risk-based approach to handling the sensitive issue of foreign repair stations. We believe our bilateral agreements demanded a different approach from past versions of FAA Reauthorization and H.R. 658 strikes the right balance.

Thank you for all of your efforts on behalf of the aviation industry. We stand ready to work with you on this legislation as well as all other future challenges facing our industry.

Sincerely,

A. OAKLEY BROOKS,
President.

ASSOCIATION FOR UNMANNED VEHICLE SYSTEMS INTERNATIONAL,
Arlington, VA, March 2, 2011.

Hon. JOHN MICA,
Chairman, House of Representatives, Transportation and Infrastructure Committee, Washington, DC.

DEAR CHAIRMAN MICA: As the President and CEO of the Association for Unmanned Vehicle Systems International (AUVSI), the world's largest non-profit organization dedicated to the advancement of unmanned systems, I thank you for including important provisions in the House Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658) on integrating Unmanned Aircraft Systems (UAS) into the National Airspace System (NAS).

The UAS market, both defense and civil, is a promising segment in the U.S. aerospace industry, and one that has the potential to create tens of thousands of new jobs in the coming years. However, for these jobs to materialize, federal regulations on the use of

UAS in the NAS must be addressed. H.R. 658 requires the FAA to create a comprehensive plan on integrating UAS into the NAS and to have it implemented by September 30, 2015. Although many in the unmanned systems industry would like to see this timeline shortened, the industry is encouraged that the bill also includes language allowing for the expedited integration of certain types of UAS.

The bill also includes important provisions on the development and implementation of the Next Generation Air Transportation System (NextGen). Like all other users of the NAS, UAS will benefit from the implementation of NextGen, as it will allow manned and unmanned systems to fly in the same airspace.

Without a doubt, UAS integration will have a tremendous impact on the aerospace industry and aid in driving economic development in many regions across the country. How quickly new job creation and economic benefits become a reality, however, depends on the progress and timeliness of UAS integration efforts.

The unmanned systems community applauds your efforts to pass this long-overdue piece of legislation, and we look forward to continuing to work with Congress and the FAA on implementing these important UAS provisions. If you have any questions, or need any additional information, please contact AUVSI's Executive Vice President, Gretchen West, at west@auvsi.org.

Sincerely,

MICHAEL TOSCANO,
President and CEO AUVSI.

EXPERIMENTAL AIRCRAFT ASSOCIATION,
Oshkosh, WI, March 15, 2011.

Hon. THOMAS PETRI,
Chairman, Transportation and Infrastructure Subcommittee on Aviation, House of Representatives.

Hon. JERRY COSTELLO,
Ranking Member, Transportation and Infrastructure Subcommittee on Aviation, House of Representatives.

CHAIRMAN PETRI AND RANKING MEMBER COSTELLO: The Experimental Aircraft Association (EAA), representing the aviation interests of more than 165,000 members who passionately engage in aviation for the purposes of sport, recreation, and personal transportation, supports the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658), as passed by the Transportation and Infrastructure Committee on March 10, 2011.

EAA has long held the view that the FAA needs a stable source of funding based on the well-established, fair, cost-effective and successful model of excise taxes on aviation fuels as opposed to the implementation of new user fees. We also maintain that the prolonged period of continuing resolutions funding the agency on short-term extensions has been harmful to the agency, its efforts to modernize the air traffic system, and to the aviation community as a whole. We applaud your leadership in making the FAA reauthorization a top priority in the 112th Congress.

EAA is particularly pleased with the Committee's decision to address policies of importance to EAA members such as funding of general aviation airports through the Airport Improvement Program, release of vintage aircraft design data in support of aviation safety, and permitting adjacent residential through-the-fence access to airports where appropriate. Above all, we are thrilled that the Committee agrees that the best way for general aviation to fund its share of FAA operations and capital investment is through the use of fuel taxes as opposed to new user fees.

Thank you for your efforts and EAA stands ready to assist you and your staff in any manner necessary.

Respectfully,

DOUGLAS C. MACNAIR.

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, March 29, 2011.

Hon. JOHN L. MICA,
Chairman, House Transportation and Infrastructure Committee, Washington, DC.

Hon. NICK J. RAHALL II,
Ranking Member, House Transportation and Infrastructure Committee, Washington, DC.

DEAR CHAIRMAN MICA AND RANKING MEMBER RAHALL, On behalf of its nearly 13,000 members, the International Association of Fire Chiefs (IAFC) would like to commend your leadership and efforts to improve aviation and, in particular, air medical transport safety.

The IAFC represents public safety agencies that provide the public with the highest level of service by delivering air medical transport or helicopter emergency medical services (HEMS), search and rescue, homeland security and wildfire suppression in an effective, efficient and safe manner. We appreciate the language in Section 311 of H.R. 658, the FAA Reauthorization and Reform Act of 2011, which demonstrates an understanding that public safety aviation operators operate a mixed fleet of aircraft that in some cases cannot be deemed ''civil aircraft'' due to its origin, type and configuration. We hope that this language remains clear through the legislative process so that public safety agencies performing HEMS operations utilizing agency owned and operated aircraft will not be harmed. In addition, the IAFC appreciates the provision in H.R. 658 which provides the FAA Administrator with the responsibility to ''conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.''

Although we believe additional language is needed in conference committee to clarify that the regulations on helicopter air ambulance operations applies to current part 135 certificate holders only and not to public safety agencies performing HEMS operations utilizing agency owned and operated aircraft, the IAFC supports the provisions related to the safety of air ambulance operations in H.R. 658, the FAA Reauthorization and Reform Act of 2011. Once again, the IAFC would like to thank you and your staffs for your ongoing efforts to effectively address the need to improve safety in the air medical transport industry.

Sincerely,

CHIEF JACK PAROW, MA, EFO, CFO,
President and Chairman of the Board.

Mr. PAULSEN. Mr. Chair, I rise in strong support of the managers amendment.

Currently, the Department of Transportation is working on a rule that would require finished medical devices and other products containing lithium batteries to be shipped as hazardous cargo.

The rule would prevent medical devices, like this pacemakers, implantable defibrillators, and blood glucose monitors, from being shipped by air, until special packaging can be developed. We don't know when this would be developed.

These medical devices are heavily regulated by the Food and Drug Administration and undergo extensive testing to assure safety—including testing to ensure devices withstand the rigors of shipping.

If the DOT rule passes, it would severely disrupt the medical device industry's just-in-time delivery system, lead to bottlenecks in the supply chain, and prevent overnight or same-day shipping to patients all over the country even though these devices pose no demonstrable safety risk.

It is important to note that the rule wouldn't just negatively impact medical devices. It will also have a significant impact on shipping everyday technologies such as laptops and cell phones. All in all, the rule will cost more than a billion dollars annually.

The rule would have a devastating impact on patient access to life-saving medical devices and will increase health care costs. Thankfully, the managers amendment remedies this situation, and I applaud Chairman MICA for his work.

Mr. BUCSHON. Mr. Chair, I rise today in support of Chairman MICA's manager's amendment to the FAA Reauthorization and Reform Act of 2011.

Indiana is the second largest producer of medical devices in the country with 20,000 jobs in this industry.

There are 1,200 employees at a Boston Scientific plant in the town of Spencer, Indiana which is located in my district. These are Hoosiers who work hard every day to make components that are found in pacemakers. As a cardiothoracic surgeon, I implanted numerous pacemakers into patients that ended up saving their lives.

A recent rule proposed by the Obama Administration would restrict the method in which these pacemakers are shipped across the country because of the very small lithium battery they contain. This rule is expected to cost Boston Scientific $30 million and it is a cost that will be passed onto the consumer.

This is a device that is safe enough to put in the human body, but the Obama Administration does not believe that it's currently safe enough to ship across the country, specifically on an airplane. These restrictions will result in hospitals waiting longer to receive pacemakers and could put human lives in danger.

There is no evidence that the transport of lithium batteries has ever lead to a fire on an aircraft.

I fully support Chairman MICA's Manager's amendment which would require the shipping of lithium batteries to comply with international standards which have proven to be very safe and eliminate President Obama's proposed rule and I encourage my colleagues to support the Manager's Amendment.

Mr. BRALEY of Iowa. Mr. Chair, I rise in opposition to the Managers Amendment, because this amendment is an unprecedented attack on states. The amendment gives complete federal government control over air travel safety, by radically reducing a state's ability to protect its own citizens. Passengers, crew, ground workers, and others have no recourse under state law, under this amendment. For those concerned about an expansion of the federal government over ordinary activities of American citizens—this is it.

In fact, the amendment gives broad immunity to an entire industry, severely limiting every Americans' freedoms under the 7th amendment. The 7th amendment is intended as a check on potential abuse of power by the government. This amendment injects the government into courthouses and into juries. Blanket immunity to an entire industry is simply unprecedented.

Here's what this means: If you or your family gets injured or even killed in an airline accident, and it's even clear that airline safety professionals were completely negligent in their safety preparations, you have no recourse. In that situation, following events even as tragic as plane crashes, the United States Government simply leaves you and your family behind, contrary to your 7th Amendment rights under the Constitution. This type of immunity is completely inappropriate for crashes caused by the negligence of those charged with maintaining safety.

I believe that we should be working to improve air safety, not weaken it. We should fight to do whatever we can for families who face the terrible tragedy of plane crashes, not abandoning them. I oppose this amendment, because I stand with American travelers and American families, and I urge my colleagues to vote against this attack on the 7th Amendment to the Constitution.

Mr. MICA. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–46.

Ms. WATERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, after line 2, insert the following (and conform subsequent subsections accordingly):

(b) CONSULTATION WITH COMMUNITIES.—Section 47107(a) is amended—

(1) in paragraph (20) by striking ''and'' at the end;

(2) in paragraph (21) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(22) the airport owner or operator will consult on a regular basis regarding airport operations and the impact of such operations on the community with representatives of the community surrounding the airport, including—

''(A) residents who are impacted by airport noise and other airport operations; and

''(B) any organization, the membership of which includes at least 20 individuals who reside within 10 miles of the airport, that notifies the owner or operator of its desire to be consulted pursuant to this paragraph.''.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman, my amendment requires airport operators, as a condition for receiving grants under the Airport Improvement Program, to consult on a regular basis with representatives of the local community regarding airport operations and their impact on the community.

Airports and airport operations have a profound impact on the communities that surround them. Airplane takeoffs and landings can make noise that interrupts families in their homes and workers in their offices. Daytime takeoffs can interrupt school children who are trying to learn and teachers who are trying to teach. Nighttime takeoffs can make it difficult for local residents to sleep. Jet fuel emissions and other harmful pollutants contribute to air pollution, and traffic congestion surrounding an airport adds to the noise and to the pollution.

Needless to say, airports play an important role in our economy and our society. But airport operators should be good neighbors in their communities. Being a good neighbor simply means consulting with the local community regarding airport operations. It means minimizing the nighttime takeoffs and landings so that residents can sleep. It means assisting families with residential noise mitigation programs, such as retrofitting windows, doors, siding, and insulation, to help keep aircraft noise to a minimum. It means consulting with local residents and small businesses regarding plans to expand, upgrade or realign runways and other airport facilities, and listening to their concerns.

My amendment requires airport operators that receive Airport Improvement Program grants to consult on a regular basis regarding airport operations and their impact on the community. Airport operators would be required to include in these consultations local residents who are impacted by airport operations. Airport operators would specifically be required to include any organization, the membership of which includes at least 20 people who reside within 10 miles of the airport, that notifies the operator of its desire to be consulted.

This amendment is not overly burdensome for airports and does not cost money for the Federal Government. It merely requires airport operators to be good neighbors, and it holds them accountable to the communities that they serve.

Mr. Chairman and Members, I have one of the world's largest airports in my district—and they do a good job—but I'm constantly contacted by residents in the surrounding community who are raising questions about new plans, new operations, airport noise, and other kinds of things that, if the airport operators were in communication with the communities in some kind of formalized way, they would have a better understanding. It's not that these neighbors are saying they don't want these airports. As a matter of fact, we're pleased that they have LAX in our community. It is job-intensive, and we like the idea that the people who work there are able not only to earn a good living but to live in the community, and they contribute to the economy of the community.

We're simply talking about urging and encouraging a relationship where the airport operators share with the schools and with the residents what they're doing. Oftentimes, it would just make for a better understanding. It's not always controversial. It's not always confrontational. But it is shining a light on what is going on and getting people cooperating and understanding the operations of the airport.

With that, I yield back the balance of my time.

□ 1630

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. I would like my colleague from California to know that we recognize that this is a very well-intended amendment and it is addressing a concern particularly with the tremendous airport in your area. You have a later amendment that deals with the same subject that we think is more workable and better.

The concern we have has to do with the fact that there are a number of provisions in law already requiring airports to consult with local communities in a variety of situations. And we're just afraid that this particular amendment could be more of a one-size-fits-all approach across the whole country that could create problems rather than solve them. Therefore, we're looking forward to working with you on amendment No. 32, but I do oppose the current amendment as being too broad.

Ms. WATERS. Will the gentleman yield?

Mr. PETRI. I yield to the gentlewoman from California.

Ms. WATERS. Do I understand that the other amendment that I have coming up that's more specific to Los Angeles is something that you would be more inclined to cooperate on rather than this amendment?

Mr. PETRI. Yes.

Ms. WATERS. Well, that's fine. Because I do know that this amendment that I'm offering is a national amendment that would cause all of the airports to come into compliance with this kind of cooperative amendment. And if, in fact, the gentleman is offering cooperation on the next amendment, I would withdraw this one.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. PIERLUISI

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–46.

Mr. PIERLUISI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 40, after line 21, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 143. PUERTO RICO MINIMUM GUARANTEE.

Section 47114 is amended by adding at the end the following:

''(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO RICO.—The Secretary shall apportion amounts for airports in Puerto Rico in accordance with this section. This subsection does not prohibit the Secretary from making project grants for airports in Puerto Rico from the discretionary fund under section 47115.''.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. Mr. Chairman, I offer this amendment to codify the method by which the Secretary of Transportation is to allocate annual formula grants to airports in Puerto Rico for capital development and planning. The amendment is simple and straightforward and serves to clarify current law. It ensures that, at a minimum, the Secretary will allocate formula grants under the Airport Improvement Program to airports in Puerto Rico no differently than the Secretary allocates such grants to other airports throughout the United States. The amendment also ensures that the Secretary will not be precluded for any reason from making project grants to airports in Puerto Rico from the discretionary fund under the Airport Improvement Program. And the amendment makes clear that formula grants and discretionary grants for airports in Puerto Rico should not be deemed mutually exclusive.

It is critical to note that the Airport Improvement Program is funded by a variety of user fees and fuel taxes, all of which apply in Puerto Rico. So there is no reasonable basis to treat Puerto Rico less than equally under the program, especially since aviation serves such a critical role on the island.

Puerto Rico is a non-contiguous U.S. jurisdiction, located over 1,000 flight miles from the nearest large hub airport in the national air transportation network. Accordingly, Puerto Rico is heavily dependent on safe and reliable air service to carry passengers and transport goods to and from the U.S. mainland. The island's main airport, the Luis Munoz Marin International Airport in San Juan, is ranked among the top 50 commercial service airports in the United States in terms of the number of passenger boardings, averaging over 4½ million boardings each year.

In addition to travel to and from the mainland United States, residents of Puerto Rico and visitors to the island rely on air service to travel to points within the main island of Puerto Rico and between the main island and the outer island municipalities of Vieques and Culebra.

Apart from San Juan International Airport, Puerto Rico is home to five other commercial service airports, located in Aguadilla, Ponce, Mayaguez, Isla Grande, and Vieques. And we have five other general aviation airports serving smaller communities. According to the FAA, approximately $285 million is needed over the next 5 years to bring Puerto Rico's airports up to current design standards, add capacity to meet projected needs, and to improve safety. My amendment simply ensures, Mr. Chairman, that Puerto Rico's public-use airports can access essential Federal funding on the same terms as airports elsewhere in the country.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Although I claim time in opposition, I am going to speak in support of this amendment.

I have the greatest respect for the delegate Congressman from Puerto Rico, also the highest esteem for Governor Fortuno, former delegate representative to this body, two great young leaders, and he's here today trying to ensure that Puerto Rico is treated like any other airport in the United States in terms of airport improvement programs. And I think his amendment clarifies that Puerto Rico also remains eligible for grants from the AIP discretionary fund.

I also know Mr. PIERLUISI is willing to work with me on his other amendment, which deals with essential air service. I had offered to work with other Members, and I will state for the record that I will work with him, and I am hoping that if he offers it, he'll withdraw it because I'm going to support this amendment. I think he has a good amendment here, and I would like to work with him on his other provision, but I would hope that he would work with us in that regard.

So this amendment simply provides clear direction to the FAA that Puerto Rico Airport should be treated equitably, and I will support this amendment at this time and urge a ''yes'' vote.

Mr. Chair, how much time is remaining on each side?

The Acting CHAIR. The gentleman from Florida has 3½ minutes remaining, and the gentleman from Puerto Rico has 2 minutes remaining.

Mr. MICA. I reserve the balance of my time. Maybe the gentleman has a little response to my support for his amendment.

Mr. PIERLUISI. I thank the gentleman from Florida, even though he rises in opposition. I'm pleased that as the chairman of the committee of jurisdiction, he's supporting this amendment.

So under these circumstances, I just ask him if he has any further speakers.

Mr. MICA. I do not. But I was hoping to hear that the gentleman from Puerto Rico would be willing to work with me on his other amendment. And I'm sure he will. But I still will support his amendment because I'm that kind of a guy.

I yield back the balance of my time.

Mr. PIERLUISI. I will simply say I will have some time to consider your offer to work with you on my other amendment, which is not now on the floor. But until then I simply urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Puerto Rico (Mr. PIERLUISI).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. HIRONO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–46.

Ms. HIRONO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 41, after line 5, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 144. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) in the case of a charge of $3.00 or less—

''(i) except as provided in clause (ii), 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; or

''(ii) with respect to an airport in Hawaii, 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the excess of—

''(I) the amount that otherwise would be apportioned under this section; over

''(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers; and

''(B) in the case of a charge of more than $3.00—

''(i) except as provided in clause (ii), 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section; or

''(ii) with respect to an airport in Hawaii, 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the excess of—

''(I) the amount that otherwise would be apportioned under this section; over

''(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers.''.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Hawaii (Ms. HIRONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

□ 1640

Ms. HIRONO. Geographically, Hawaii is the world's most isolated archipelago. It is the only U.S. State made up completely of islands. There are four counties in Hawaii, all of which are separated by a body of water. Air travel is the fastest and most effective means of transportation between our islands. It is also the mode of transportation that we rely on most for moving goods and other cargo and even our daily mail.

The 15 airports operated by the Airports Division of the Hawaii Department of Transportation are responsible for maintaining safe and efficient facilities that accommodate approximately 25 million passengers a year. This is a tremendous responsibility and an ongoing challenge. It is because of the fundamental role that air travel plays in the day-to-day lives of the people of Hawaii and in the commerce of Hawaii that Congress saw fit to provide the State with an exemption from charging passenger facility fees, or PFCs, on interisland flights. These are the flights between our islands.

This exemption is important for Hawaii's residents. Without it, for many, the daily commute would be unduly burdensome. I know many people who live on O'ahu, for example, who commute to work on one of the other islands. It would be as if you, or if any of your constituents, got in your car to go to work and then had to pay $4.50, which is our PFC fee, just to leave your driveway and then have to pay another $4.50 upon your return.

While we greatly appreciate and seek to preserve this exemption, there have been unintended consequences with regard to its impact on Federal funds for Hawaii's airports. This is because of the way that PFCs impact the formula funding that is apportioned to each State under the Airport Improvement Program, or the AIP.

As my colleagues know, AIP grants are awarded to each State based on a formula. For airports that opt to collect PFCs, formula funds are cut by either 50 or 75 percent. This reduction depends on the amount charged. For airports that assess PFCs on 100 percent of their passengers, this arrangement works well. However, in the case of Hawaii, the two airports that collect PFCs only collect them on a portion of the passengers.

At our large hub airport in Honolulu, 38 percent of our passengers are interisland travelers. Interisland travelers also constitute 51 percent of the passengers served by our medium hub at Kahului Airport on Maui. Therefore, the $4.50 PFC being assessed at Honolulu is only being paid by 62 percent of its passengers. On Maui, that number is only 49 percent.

Based on the current formula, the Hawaii Department of Transportation calculates that the State is losing approximately $5.7 million this year in AIP formula entitlement funds. My amendment would change the formula under which Hawaii's PFCs and entitlements are calculated in order to correct this inequity.

I want to be clear to my colleagues: This amendment is intended only to ensure that Hawaii gets its full fair share under the AIP program. Hawaii's airports would still be subject to the same 75 percent reduction as any other airport charging a $4.50 PFC. The calculation would simply take into account the percentage of passengers traveling interisland and therefore not paying a PFC.

I also want to point out that this is not a windfall for the State or, in my view, an earmark. In fact, House rule XXI, clause 9(e), the definition for ''earmark,'' defines an ''earmark'' as essentially any member-requested Federal assistance to a targeted entity or locality ''other than through a statutory or administrative formula-driven or competitive award process.''

Mr. PETRI. Will the gentlewoman yield?

Ms. HIRONO. I yield to the gentleman from Wisconsin.

Mr. PETRI. We've reviewed your amendment. Based on the recommendation of the FAA, I think Chairman MICA and I are prepared to accept your amendment.

We would also ask, however, that you consider working with us on the amendment that you intend to offer later. It's in an area that is already within the FAA's jurisdiction where they're working but not as hard as you would like, and we think we could continue to work with you on that. But we would accept this amendment.

Ms. HIRONO. I want to thank Subcommittee Chair PETRI and Mr. MICA for accepting my amendment.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. HIRONO. Thank you very much.

I do want to offer my other amendment, however.

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I actually will support the amendment, but I wanted to give the gentlelady an additional minute to conclude if she had any remarks. As I said, we're very willing to work with her on her next amendment, and hope she would consider working with us. We will support this amendment.

I would like to yield, if I may, Mr. Chairman, as much time as she needs to finish her statement.

Ms. HIRONO. Thank you very much, Mr. Chair.

In view of the fact that you are in agreement with my amendment, if you would be so kind as to yield a minute of your time to my colleague, COLLEEN HANABUSA, so she may submit her remarks on this amendment.

Mr. MICA. Mr. Chairman, I am pleased to allow them to submit their remarks. We are taking the amendment, and I know she is going to work with us.

I would also be pleased to yield to our colleague from Hawaii.

Ms. HANABUSA. I thank the chairman of the Transportation and Infrastructure Committee for making this wonderful gesture.

I would like to thank Congresswoman HIRONO for offering this amendment in that it does address the unique nature of Hawaii.

Mr. Chairman, Hawaii's people have, really, only one way for commercial travel between our islands, and that is by way of air. So what this has done is it has leveled the playing field for us in terms of the ability to have our fair share of the airport improvements, because the best thing we can do is protect our consumers.

Thank you again for agreeing to the amendment, and thank you to Mazie for offering it.

Mr. MICA. Reclaiming my time, Mr. Chairman, I would like to submit these letters in support of the bill for the record, and unless the gentlelady needs more time, I am prepared to support this amendment that is pending.

AIR TRANSPORT ASSOCIATION,
Washington, DC, February 23, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: On behalf of the Air Transport Association, I am writing to thank you for your leadership and applaud your success as Chairman, House Transportation and Infrastructure Committee, in successfully obtaining the full Committee's approval of the Federal Aviation Administration Reauthorization and Reform Act of 2011 (H.R. 658). After 17 short-term extensions over many years, the vote can only be attributed to your extraordinary leadership, tenacious effort and decisive chairmanship.

America's airline industry knows how important this bill is to the Federal Aviation Administration and the nation. Certainly, H.R. 658 will move NextGen and other important programs forward at this crucial time, when the airline industry is still rebounding from this nation's devastating economic recession.

Finally, the Air Transport Association and our airline members stand ready to assist you and your very capable staff as you prepare to conference with the Senate. Please do not hesitate to contact me if I can provide additional support.

Sincerely,

NICHOLAS E. CALIO.

AIR MEDICAL OPERATORS ASSOCIATION,
Alexandria, VA, March 15, 2011.

Hon. JOHN MICA,
Chairman, House Transportation and Infrastructure Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: The Air Medical Operators Association (AMOA) is committed to providing the highest level of safety in air medical transport and the implementation of technology, procedures, and operating systems that will help ensure the continued safe and effective operation of these services. AMOA is also committed to enhancing current regulations to improve aviation safety and raise clinical standards, as well as promoting additional air medical transport as a life-saving health care intervention and a safe form of transportation.

The ''FAA Reauthorization and Reform Act of 2011'' (H.R. 658) includes key provisions that will advance the safety of air medical transportation:

Section 311 includes provisions that will support the Federal Aviation Administration's (FAA) rulemaking that is underway. AMOA strongly supports these provisions, which appropriately identify these safety issues as a key congressional priority while granting the FAA the flexibility to implement strong, effective rules. On January 10, 2011, the AMOA submitted its comments to the FAA on its Notice of Proposed Rulemaking on air ambulance safety issues. In our comments we stated: ''AMOA fully supports the FAA's intent in this rulemaking; air medical operators believe many of the requirements proposed . . . most of which we already are implementing, will enhance the safety of air medical transport operations across the air medical operating sector and enthusiastically support them.''

Section 311 also includes a provision to collect better data on air ambulance operations. AMOA strongly supports more comprehensive data collection on the industry and its operations, and we support the intent and thrust of the provision included in H.R. 658. We do have some concerns regarding the specific language as currently drafted, and would like to work with you and your staff to ensure that the provision leads to the effective and efficient collection of industry data.

Section 312 requires the FAA to ''conduct a review of off-airport, low-altitude aircraft weather observation technologies.'' Low-altitude weather observation and reporting infrastructure located outside of airports is a key tool to enhancing safety for air medical operations. Currently, less than 2,500 automated weather stations report reliable weather data for the surrounding 5 miles to the national database. Based on the area of the United States, that leaves 3,794,101 square miles of the U.S. without weather reporting. This lack of current weather data causes more than 7,000 aborted flights per year due to unknown weather conditions. AMOA strongly supports the inclusion of this provision in H.R. 658.

Section 313 requires the FAA to conduct ''a study on the feasibility of requiring pilots of helicopters providing air ambulance services . . . to use night vision goggles during nighttime operations.'' AMOA's member companies have been aggressively working to implement night vision goggles (NVG). Our member companies have now equipped more than 80% of their helicopters with NVGs. AMOA supports inclusion of this provision in H.R. 658.

As the House works to pass H.R. 658 and move to reconcile this legislation with the Senate-passed bill (S. 223), we would like to identify two issues of concern with that legislation:

Senate language would put a requirement for a terrain awareness device into law rather than in the Code of Federal Regulations; this Senate provision references a very narrow Technical Standard Order (TSO) for Helicopter Terrain Alert Warning Systems (HTAWS). The way that the provision is currently drafted, it could limit the ability of operators to enhance safety with more advanced equipment unless a change in law (not the applicable federal regulation) occurred. The rapid evolution of technology calls for specific technical standards to be set in agency regulations rather than locked in place in statute.

Senate language potentially creates a statutory requirement that air medical services abide by Federal Aviation Regulation (FAR) Part 135 whenever medical crew is onboard. Air medical services already conduct operations according to Part 135 flight and duty time requirements and weather minimums prescribed by Operations Specification A021—the highest of any aviation operator in the United States. Unintended by this Senate language is that by requiring adherence to Part 135 in statute, air medical operators would be required to abide by Part 135 even if the FAA decides to change the regulatory structure for air medical services by adding a new Part.

AMOA hopes to work with you and your Senate colleagues to address these issues in S. 223 before a final version of FAA reauthorization legislation is considered.

AMOA appreciates your leadership and hard work in moving an FAA reauthorization bill through the Transportation and Infrastructure Committee early in the 112th Congress. We strongly support the air medical safety provisions of the legislation and look forward to their enactment into law. AMOA also looks forward to working with you to perfect the data collection provision in H.R. 658.

Thank you for your efforts to enact strong FAA reauthorization legislation and for your work to help improve the safety of air medical operations.

Sincerely,

HOWARD RAGSDALE,
President, AMOA.
CHRISTOPHER EASTLEE,
Managing Director, AMOA.

REGIONAL AIR CARGO CARRIERS ASSOCIATION.
Plymouth, MA, March 16, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. THOMAS PETRI,
Chairman, Subcommittee on Aviation, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. NICK J. RAHALL, II,
Ranking Member, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. JERRY F. COSTELLO,
Ranking Member, Subcommittee on Aviation, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA, CHAIRMAN PETRI, RANKING MEMBER RAHALL, AND RANKING MEMBER COSTELLO: Regional Air Cargo Carriers Association (RACCA) represents nearly 50 FAA-certificated air carriers and about 1,000 airplanes, engaged in transportation of high priority cargo chiefly to smaller communities throughout the United States and internationally.

We are greatly concerned about a measure which has been introduced by Congressmen Schiff, Sherman, and Berman, in another attempt to impose an overnight curfew at Burbank (Bop Hope Airport, BUR) and Van Nuys Airport (VNY), California. This legislation, the Valley-Wide NoiseRelief Act, would permit the cities of Burbank and Van Nuys, California to circumvent provisions of the Airport Noise and Capacity Act of 1990 (ANCA) and the FAA's ruling denying more recent requests for a curfew at BUR.

While RACCA members are more concerned about BUR, a curfew at either airport would significantly interfere with commerce and quite likely violate grant assurances to which those airports agreed when they accepted federal airport improvement funds.

At BUR, more than five million dollars were spent upon a Part 161 study submitted in May of 2009—the second one at this airport, attempting to impose a blanket nighttime curfew from 10 p.m. to 6 a.m. The Federal Aviation Administration in both cases concluded that the benefits of an overnight curfew did not balance the disadvantages. The proposed legislation makes a mockery of the Part 161 process, overrides the FAA's ability to regulate aviation in the United States, panders to a very limited—but vociferous—minority of constituents at the expense of the majority, and sets a precedent that would encourage other communities in similar situations to request similar curfews, with results which would reverberate at numerous other airports in the country—resulting in unreasonable access restrictions and abandonment of use agreements intended to make these important public utilities reasonably accessible to the public as a whole.

In short, this politically motivated proposal covers ground which has previously been explored, studied, and analyzed ad infinitum—with the same conclusion: Overnight curfews at BUR and VNY are not in the overall public interest. We therefore respectfully urge you to reject this proposal when it comes before you.

Sincerely,

STANLEY L. BERNSTEIN,
President.

ALASKA AIRLINES,
Seattle, WA, March 24, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. THOMAS E. PETRI,
Chairman, Subcommittee on Aviation, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. NICK J. RAHALL,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. JERRY F. COSTELLO,
Ranking Member, Subcommittee on Aviation, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMEN MICA AND PETRI AND RANKING MEMBERS RAHALL AND COSTELLO: On behalf of Alaska Airlines, thank you for your leadership in moving an FAA reauthorization bill out of the Transportation and Infrastructure Committee. As you prepare to bring this bill to the House floor, we request your consideration of our views, as outlined in this letter, regarding expanding access to Reagan National Airport (DCA). As a new entrant/limited incumbent air carrier, holding just three roundtrip flights (six beyond-perimeter slot exemptions) at DCA, we believe it is important that any legislative changes to the perimeter rule promote fair competition at the airport.

Alaska Airlines supports the DCA Perimeter Rule language contained in section 423 of the FAA Reauthorization and Modernization Act of 2011 (H.R.658). This proposal creates a small pool of beyond-perimeter slot exemptions (10 slot exemptions/5 roundtrips), to be redistributed from non-peak hours to peak hours, with a scheduling priority given to new entrant/limited incumbent carriers. This language continues precedent established in the prior two FAA reauthorization bills, AIR–21 and VISION–100, and represents an equitable means by which any carrier, regardless of its size at DCA, can apply to the Department of Transportation for a beyond-perimeter route. Also, this language recognizes the importance of facilitating new entrant/limited incumbent access to DCA, during commercially viable slot times, in order to enhance competition at the airport and, in turn, provide better fares and greater value for the traveling public. For example,

the entry of Alaska Airlines' SEA and LAX service to DCA was the major driver of an 11% and 14% fare decline, respectively, in the SEA-WAS and LAX-WAS markets. In the first year of entry in these two DCA markets, Alaska's lower DCA fares forced other carriers in these same markets to reduce their fares, producing an aggregate consumer fare savings in excess of $25 million. Even more significantly, substantial fare savings continue today because, unlike most other carriers, Alaska Airlines does not charge a fare premium for DCA versus IAD (Dulles) service.

Alaska Airlines opposes elimination of the DCA Perimeter Rule. By definition, only carriers holding within-perimeter slots can take advantage of such a concept. Similarly, we oppose any form of slot conversion, i.e. converting within-perimeter slot exemptions for beyond-perimeter use. Under either an elimination or slot conversion scenario, the large within-perimeter slot holders receive a huge competitive windfall, to the detriment of new entrant/limited incumbent competition and the lower fares such competition promotes.

In conclusion, we support Section 423 of H.R. 658 regarding flight operations at Reagan National Airport and oppose any changes to it that allow for elimination of the Perimeter Rule or slot conversion. In order to promote the public interest of lower fares and the pro-consumer market dynamics created by robust competition, new entrant/limited incumbent access to DCA must be enhanced.

Thank you for your consideration of our views.

Sincerely,

BILL AYER.

Mr. MICA. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. NEUGEBAUER

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–46.

Mr. NEUGEBAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Beginning on page 101, strike line 3 and all that follows through page 104, line 19 (and redesignate any subsequent sections accordingly).

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

SEC. 2___. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OBSTRUCTIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the height and latitudinal and longitudinal locations of guy-wire and free-standing tower obstructions.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with affected industries and appropriate Federal agencies.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the appropriate committees of Congress on the results of the study.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. I want to thank Chairman MICA, Chairman HALL, and Congressman GRAVES for their support of this amendment. I appreciate the work of the Transportation and Infrastructure Committee and of various stakeholder groups that have helped throughout this amendment process.

Mr. Chairman, in recent years, our lives and our world have changed. We have a much more digital world today, and we have a lot more towers that provide us cell service and Internet service. We have the new industry of wind energy that is basically taking over a big part of my district. So, over the countryside, the landscape has changed. We have a lot of new towers, windmills, wind turbines, and all sorts of things that are beneficial to our economy but that also provide a certain amount of hazard for those people in the aviation industry.

In recent years, we've had a number of fatalities due to low-flying aviators who didn't know the existence of one of these obstacles, so this amendment really does a commonsense thing: It would direct the FAA to conduct a study of how we can put together a database of where these new obstacles are, giving their GPS locations and allowing people who are going to be flying in that area or utilizing that area to access that information. For planning purposes, it would also provide an opportunity for new infrastructure in those areas.

□ 1650

So we really think that this is a very commonsense amendment, provides for safety, and that this study hopefully will yield some very positive results that will be beneficial to the aviation industry.

With that, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Chairman, although I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition to the amendment offered by the gentleman from Texas.

The SPEAKER pro tempore. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. BROWN of Florida. Mr. Chairman, I want to thank Chairman MICA and Ranking Member RAHALL for their work in bringing this bill to the floor. I think the aviation community deserves a long-term aviation bill so they can plan for the future needs of the traveling public. We have had 18 extensions already, and it is time for the House and the Senate to find a compromise and send a bill to the President.

Sadly, we're missing a great opportunity to invest in our airports, allowing them to prepare for the expected growth in air traffic and put people to work improving our aviation infrastructure. Without additional PFC revenues and AMT relief, airports will have little capital to invest in their facilities. We keep talking about creating jobs and rebuilding the economy, but we don't do anything about it.

My home State of Florida relies on air service to support our tourism-based economy. We have 20 primary airports, 22 reliever airports, and 57 general aviation airports, with our top three airports alone generating nearly 45 million enplanements a year. These airports create jobs and help grow the economy, and we're not going to get out of the recession we're in by starving our airports of funds for our infrastructure.

This bill does address an important issue in my district by preserving access to the Military Airport Program, MAP. The MAP program provides critical support to those communities which have been given the responsibility of converting closed military bases to civilian use. The participation of the Cecil Field Airport, which is just outside of Jacksonville, is a prime example of how this program can successfully transform former military airfields to commercial service that in turn help strengthen the Nation's aviation system. In the case of Cecil Field, continuing to include uses by the Air National Guard and Reserve units makes this a win-win for the community and for the military. And I want to add that we have more landings now than we did before we turned the facility over.

MAP grants also support projects that are generally not eligible for AIP funds, but which are typical and needed for successful civilian conversion such as surface parking lots, fuel farms, hangars, utility systems, access roads, and cargo buildings.

I know this bill still has a long way to go in the process, so I hope we can make improvements as we move to conference.

I yield back the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1 minute to the distinguished chairman of the House Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I just rise in strong support of the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

He has worked with the committee in drafting this amendment, done an excellent job, and we also have the support of FAA on this amendment.

I ask everyone to join in passage of this well-crafted amendment.

Mr. NEUGEBAUER. It is also my pleasure now to yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you very much.

I rise in support of this amendment as well. With off-the-shelf available technology, this type of mapping can be done at little or no cost, increasing safety to aviation, especially those involved in rural aviation like crop dusters and the like.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1½ minutes to the chairman of the House Small Business Committee, the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES of Missouri. Mr. Chairman, I want to rise in very strong support of the gentleman's amendment.

Having flown for over 20 years, I've had firsthand experience with low altitude or low-level obstacles that are out there. I had to make some last-minute corrections just to avoid them. If we had some way to understand where those obstacles are, a very simple method, it would greatly improve safety.

Just in the crop duster world alone, we've had nine deaths in the last 10 years from obstacles that are unmarked, unlighted, and we don't have any idea where they are.

I would very much be in support of this amendment. I thank the gentleman for offering it.

Mr. NEUGEBAUER. I just would close by saying this is a very commonsense amendment. I think it uses the technology of today to bring air safety to our country, and I would encourage all Members to support this amendment.

Mr. HALL. Mr. Chair, I rise in support of Mr. NEUGEBAUER's amendment directing the FAA to carry out a feasibility study on using the internet as an information resource for pilots to locate difficult-to-see obstructions such as guy-wires and free-standing towers.

As a Navy pilot during World War II, I had firsthand experience flying fast and low, and while the prevalence of towers then does not compare to the number that exist today, it still created a lot of uncertainty to fly low without being fully aware of potential obstructions.

There are many active pilots today who make their living flying aircraft at very low altitudes, such as crop dusters, who could make excellent use of such a database.

Mr. NEUGEBAUER's amendment would be a good first step, simply asking the FAA to study whether or not an internet-based source of up-to-date information on obstructions and towers makes good sense.

I support his amendment and ask all Members to support it as well.

Mr. NEUGEBAUER. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–46.

Mr. LOBIONDO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into an agreement, on a competitive basis, to assist the establishment of a center of excellence for the research and development of NextGen technologies.

(b) FUNCTIONS.—The Administrator shall ensure that the center established under subsection (a)—

(1) leverages resources and partnerships, including appropriate programs of the Administration, to enhance the research and development of NextGen technologies by academia and industry; and

(2) provides educational, technical, and analytical assistance to the Administration and other Federal departments and agencies with responsibilities to research and develop NextGen technologies.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I would like to start by thanking Chairman MICA. I'd like to also thank Mr. PETRI and Mr. COSTELLO.

This is a very simple amendment. It allows 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 university partnerships to address ongoing FAA research and development challenges.

The NextGen Research and Development Center of Excellence would provide educational, technical, and analytical assistance to the FAA and other agencies involved in the development of NextGen. In essence, it would be a force multiplier.

NextGen is a complete revamping of our National Airspace System from the current radar-based system to a state-of-the-art satellite, or GPS-based, technology. Once fully implemented, NextGen will provide a host of benefits for the more precise tracking of aircraft, fuel savings, and noise reduction. As a result, the entire aviation community would be benefited, as would the Nation.

I believe the Centers of Excellence model could be extremely beneficial to the FAA's NextGen efforts. Centers of Excellence allow the FAA to partner with universities and industry on important aviation research issues. Since 1990, 8 Centers of Excellence have been formed with more than 60 university partners and over 200 industry and government affiliates.

These Centers have fueled innovative research in a variety of areas such as noise and emissions mitigation, airworthiness, and the use of advanced materials.

I believe the FAA would benefit by applying the Centers of Excellence model to the challenges of NextGen. My amendment would give the FAA the authority to move in this direction.

I urge my colleagues to support this amendment.

Mr. PETRI. Will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Wisconsin, the chairman of the subcommittee.

Mr. PETRI. I thank my colleague from New Jersey (Mr. LOBIONDO).

I rise in support of this amendment, and I know the chairman of the full committee has looked at it and supports it as well. It gives the FAA administrator the ability to designate a NextGen center on a competitive basis, and it would be a good and needed resource for the FAA; and, therefore, I would urge a ''yes'' vote on the amendment.

Mr. LOBIONDO. I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. Mr. Chairman, we support the gentleman's amendment.

This is a provision that was contained in the FAA bill that was passed, H.R. 915 and H.R. 1586, that passed this Congress with bipartisan support. We strongly support the gentleman's amendment and ask our colleagues to support it as well.

I yield back the balance of my time.

Mr. LOBIONDO. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GARRETT

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–46.

Mr. GARRETT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 106, after line 5, insert the following:

(c) STUDY.—

(1) IN GENERAL.—The Administrator shall conduct a study on additional alternatives to reduce delays at the 4 airports considered under the New York/New Jersey/Philadelphia Metropolitan Redesign Record of Decision, published September 5, 2007, by the Administration.

(2) CONTENTS.—In conducting the study, the Administrator shall determine—

(A) the effect on flight delays of the overscheduling of flights by air carriers; and

(B) whether or not altering the size of aircraft used by air carriers would reduce flight delays.

(3) REPORT.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under paragraph (1).

(d) PROHIBITION.—The Administrator may not continue with the implementation of the preferred alternative for the New York/New

Jersey/Philadelphia Metropolitan Area Airspace Redesign until after the last day of the 60-day period beginning on the date the Administrator submits the report required under subsection (c)(3).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1700

Mr. GARRETT. Mr. Chair, I urge my colleagues to support the Garrett-Himes-Andrews-Engel amendment. In it, the FAA's New York/New Jersey/Philadelphia airspace redesign plan would redirect thousands of flights per year over the houses of many of my constituents and, actually, the constituents of the other sponsors of the bill as well. In looking at this, we realize this has a very real and negative impact on the region, including a possible decrease in home values.

The new flight patterns, which would be considered here, over the region should not be implemented until a thorough study of alternatives is actually presented to Congress. This amendment prohibits the FAA from continuing implementation of the airspace redesign until it has conducted a study on alternative designs to reduce delays at the four airports considered in the redesign.

Finally, it is imperative that the FAA consider the concerns of the people that are and have been afflicted by this action.

I urge my colleagues to vote ''yes'' on this amendment.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Mr. Chairman, I have the greatest respect for the gentleman from New Jersey, and I understand his predicament. He has been one of the strongest advocates for his district on some of the potential problems that might arise from airspace redesign. I had the opportunity to travel to the gentleman's district to meet with his constituents. We have raised great concerns about the New York airspace redesign.

Now, this does put in place another study of the airspace redesign, and, unfortunately, it delays the implementation of airspace redesign in the Northeast corridor, in that New York airspace, until that's complete. So that is why I have to oppose this.

I will work with the gentleman in trying to make certain that FAA treats them fairly and that there are hearings. We have had 120 hearings. I have been in every jurisdiction from Pennsylvania, Philadelphia, all the way up into Connecticut, which is part of the New York airspace, in hearings and public meetings. There have been over 120 FAA meetings. This has been drug through the courts. There were suits, and they were all consolidated. The issues, again, were resolved, and FAA should go forward with airspace redesign and continue to address the concerns of the gentleman.

Why is this important to everyone here? Because more than 70 percent of the chronically delayed flights around the United States start in the New York airspace. That means when New York goes down, the whole country starts going down.

Now, you have got to understand that this battle has been going on for nearly two decades, in and out of court, and fights and everything for the redesign. So what we're left with is a corridor for airspace that is sort of like having U.S. 1 going into New York City 20 or 30 years ago and not expanding or revising the capacity. So that's why we have this situation. That's why I strongly urge not the adoption of this.

I am willing to work with the gentlemen to try to, again, make certain that their concerns are taken into consideration. We do have quieter aircraft. I don't want him, his constituents, or any of the others in the New York airspace to suffer. But this has to come to a conclusion.

Again, it affects everyone in the House of Representatives because more than 70 percent of our chronically delayed flights start in this area, and we have not been able to resolve this question.

I reserve the balance of my time.

Mr. GARRETT. I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman, and I rise in strong support of the Garrett-Himes-Andrews-Engel amendment.

This amendment will require the Federal Aviation Administration to study alternatives for the New York/New Jersey/Philadelphia airspace redesign. It will also prohibit the FAA from continuing with the implementation of the airspace redesign until the new study is submitted to Congress.

I have to take issue with what my friend, the chairman, said before. We have not found that there were hearings for this. They have been trying to jam this through and want fewer and fewer people to know about it. I forced them to come into my district; but until that happened, they didn't want any kind of input from the community.

I have opposed this airspace redesign from day one, and have fought its implementation every step of the way. Time and time again, the FAA has pursued the airspace redesign while ignoring the concerns of my constituents in Rockland County, New York. This plan will only save minutes on flight time, but it will disrupt the lives of thousands of residents in my district who live under the new flight path. As my constituents noted to me, the noise and air pollution in the area will increase. It's unknown how this increase in air pollution will affect the disproportionate rate of childhood asthma in my district.

The modernization of our aviation system is necessary to bring it into the 21st century, to keep pace with the increased number of flights, and to also maintain our technological advancements by implementing new equipment to keep our system the safest in the world. However, there are several alternatives to this plan, and I encourage my colleagues to support this amendment that would require the FAA to take them into consideration.

We now learn that not only planes landing into Newark would fly over my constituents, but planes taking off from Kennedy as well. This is a double whammy. It's not fair.

So I commend Mr. GARRETT. I support this amendment, and I will continue to oppose the FAA reauthorization until the FAA halts and revises the airspace design and reports to Congress. After all, we are the ones that report to the people. FAA should report to us.

Mr. GARRETT. I yield 1½ minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. I thank my good friend from New Jersey for yielding.

Mr. Chair, I rise today in support of the amendment at the desk. This amendment addresses the FAA's redesign of the airspace over New York, New Jersey, and Philadelphia with noble motives to actually improve our air travel. But the fact of the matter is that the redesign was badly implemented from the start and used flawed procedures. Plans for this redesign have moved forward without proper and appropriate input from stakeholders and without regard to the parties who are most affected, notably, many of our constituents.

As planes have been rerouted to fly over southwestern Connecticut upon descent into New York's airports, my constituents have begun experiencing unnecessary and unprecedented noise levels. A day does not go by that I don't hear this concern from my constituents.

I have joined with my colleagues in a bipartisan effort to call upon the FAA to simply study alternatives. We know that there are good alternatives. This should be done prudently and carefully. Families who have moved to my district to find a quiet refuge are now faced with the prospect of daily disturbances. Alternatives must be considered before any more action is taken.

Mr. MICA. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. MICA. Again, I have to say that I have the greatest respect for the gentlemen from New Jersey, Mr. GARRETT and Mr. ANDREWS, and the gentleman from New York. They all do have interests here, and they are trying to protect them. They are concerned about noise with the New York airspace redesign. But, again, this has been going on for two decades.

We have a very narrow corridor. We do need to redesign it. We have safety questions now. We have chronic delays, and 70 percent of them emanate from New York. They start in the New York airspace, and then they ripple across the country. So 70 percent of the Members are impacted by this particular provision.

I appreciate their concern in asking for an additional study, but what they do in the provisions they have offered is delay implementation. We have just finished numerous court cases, which were consolidated, which ruled against those in question. I know it's difficult, but we've got to get this done.

Again, I so much appreciate their looking out for their constituents, stating their concern and expressing in every way possible. I will continue to work with them and make certain that there is fairness to the implementation and whatever they adopt does not disturb or unduly cause distress for their constituents. That's all I can do. But I do have to oppose this amendment in the interest of the committee, the country, and the other Members.

I yield back the balance of my time.

□ 1710

Mr. GARRETT. Just to conclude then, Mr. Chairman, the FAA's airspace redesign plan has not been responsive, as referred to on the floor, to the concerns of our constituents, and it's not been comprehensive.

Secondly, redesigning airspace would have little effect on delays while alternatives are considered.

Finally, I ask the consideration of this bipartisan support to conduct a study on alternative designs. I encourage support for this amendment.

I yield back the balance of my time.

The Acting CHAIR (Mr. MURPHY of Pennsylvania). The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARRETT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 112–46.

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112–46.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 318. CRIMINAL HISTORY RECORD CHECKS IN DOMESTIC AND FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44734. Employee criminal history record checks in domestic and foreign repair stations

''(a) IN GENERAL.—Not later than one year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to require each repair station that—

''(1) is certificated by the Administrator under part 145 of such title 14; and

''(2) performs work on air carrier aircraft or components, to complete a criminal history record check with respect to any individual who performs a safety-sensitive function at such repair station.

''(b) DEFINITIONS.—In subsection (a), the following definitions apply:

''(1) INDIVIDUAL.—The term 'individual' includes an individual working at a repair station of a third party with which an air carrier contracts to perform work on air carrier aircraft or components.

''(2) CRIMINAL HISTORY RECORD CHECK.—The term 'criminal history record check' means an investigation to ascertain an individual's history of criminal convictions, conducted—

''(A) in a manner consistent with criminal history record checks carried out under section 44936; and

''(B) in accordance with the applicable laws of the country in which a repair station is located.

''(c) REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.—With respect to repair stations that are located in countries that are party to the agreement titled 'Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety', dated June 30, 2008, the requirements of subsection (a) are an exercise of the rights of the United States under paragraph A of Article 15 of the Agreement, which provides that nothing in the Agreement shall be construed to limit the authority of a party to determine, through its legislative, regulatory, and administrative measures, the level of protection it considers appropriate for civil aviation safety.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

''44734. Employee criminal history record checks in domestic and foreign repair stations.''.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, my amendment is quite simple. It would require criminal background checks of mechanics at contract aircraft repair stations, both those domestically and those overseas.

Now, the current law requires that people who repair aircraft at airports undergo criminal background checks that are quite extensive because there's a concern that they have access to airplanes, that we want to know who they are, we want to be sure they don't have a criminal background, and they can be denied employment for a large range of former felonies or problems, let alone any affiliation with terrorist groups.

Not so at domestic contract repair stations or foreign contract repair stations. The employees there undergo no criminal background checks, or only criminal background checks at the discretion of the employer. They can be certified to do the most critical decheck work, overhauls on airplanes.

Now, just think about it. As John Pistole recently said, he's the head of the Transportation Security Administration, ''For more than two decades al Qaeda and other terrorist organizations have sought to do harm to this country. Many of their plots against the United States have focused on the aviation system. It is clear that terrorist intent to strike at American targets has not diminished.''

Yet we're not doing criminal and security background checks of people who have access to the innards of the plane. They could replace one critical component, a bolt that holds on an engine with one that looks like the real bolt but is actually fake and designed to fail. That could easily happen, and yet we are not requiring that they have background checks.

Well, why are we requiring it at airports? If it's so critical a mechanic who can access a plane at the airport, why isn't it critical for people who can get deep inside a plane in an overhaul, overseas, far, far away from any prospective oversight by the TSA or the FAA?

Now, some would say, well, the Transportation Security Administration, rather belatedly, 7 years after the fact, is working on a rule that will require them to adopt general procedures for security, but it will not require criminal or terrorist background checks. They will verify background information through confirmation of prior employment. Yes, I used to work for Osama bin Laden. You can call him. Here's his number. But now I don't work there anymore, and I'm here.

This is, I think, a commonsense amendment. Now, the industry can say, oh, this will drive up the cost of repairs. Come on, it's 60 bucks to do a TSA background check. $60. Now, don't you think it's worth $60, and is that going to drive contract repair stations in the U.S. or overseas out of business if they have to confirm that their employees are not criminals or are not terrorists? I don't think so.

I urge support of the amendment, and I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Mr. Chairman, I do appreciate the intent of the gentleman who is the distinguished ranking member, former chair of the Aviation Subcommittee, but I think that the

crafting of this amendment is somewhat flawed in that he does now require FAA to take their limited resources. FAA is not a security agency. It's an aviation agency. And again, we have a jurisdictional question here. We can't put in provisions that require TSA to do certain things, but that is their responsibility.

I understand this is also already done where the repair station is at the airport. TSA is in the process of promulgating a rule to address repair station security. But it, appropriately, is in their realm, not FAA. And we do get into trouble in trying to carry out some of these missions when we go to agencies that really this is not their responsibility, their charter under Congress.

Again, I think the gentleman's intent is good, but it's misapplied. So with that, I have to oppose the amendment as crafted. I'd be willing to work with him. There is a possibility of working with him, I think, and getting it right.

I think his intention is good, but the assignment is misplaced, and it would cause more problems the way it's crafted than benefit.

I reserve the balance of my time.

Mr. DEFAZIO. May I request the balance of time remaining on each side?

The Acting CHAIR. The gentleman from Oregon has 2 minutes. The gentleman from Florida has 3 minutes.

Mr. DEFAZIO. I yield 1 minute to the gentleman from Illinois (Mr. COSTELLO), the ranking member of the subcommittee.

Mr. COSTELLO. I rise in support of the gentleman's amendment. The amendment is very clear. It's simple. It's to the point. It requires the FAA, when certificating a repair station, whether domestic or foreign, to make sure that the repair station carries out a consistent screening of its employees for criminal records. I mean, it is very clear. It is to the point.

The amendment complies with all of our obligations under international law, and the amendment will move the FAA forward in creating one level of safety, both for domestic and international repair stations.

Mr. MICA. I yield myself the balance of my time.

I believe the gentleman's intention is good. The problem I have is with the crafting of the amendment. Now, heaven knows that there's probably been no one that's more critical of TSA. I helped create it along, actually, with Mr. DEFAZIO back in 2001. They have a lot of important responsibilities. One of them is clearly defined as aviation security, and it should be in repair stations.

Quite frankly, I am concerned about beefing up some of that, getting some of the 3,700 bureaucrats that work and earn on average $105,000, just within miles of here, relocated to where they can do their security function at a place that does pose risk, and that's some of these foreign locations. But this doesn't do the job. It complicates the assignment we have for FAA. And TSA is in a rulemaking process to address this responsibility, which is appropriately located within the purview of, and again, the jurisdiction of TSA. So I, again, oppose the opposition, will work with the gentleman.

I yield back the balance of my time.

□ 1720

Mr. DEFAZIO. I yield myself such time as I may consume.

I appreciate the chairman, and I have worked together with him well and will continue to do that in the future. But we have got to differ on this.

The TSA is not considering requiring criminal terrorist background checks as a requirement for overseas repair stations. I think that is an unbelievable loophole that should send shudders down the spine of anybody who flies planes that are being totally overhauled overseas.

And all this does—it is very simple. It doesn't require anybody from the FAA to do anything. It just says if a repair station is to be certificated by the FAA, the repair station, not the FAA, will have to perform background checks on its mechanics. It is as simple as that. Any mechanic at an airport has to undergo these background checks. They cost $60. How about having the contract repair stations do the same thing?

Do you want a terrorist who is off the airport property to be working on an airplane critical component? Do you want a terrorist who is overseas working under very little supervision, none by the U.S., to have access to the most critical components of a plane?

The gentleman is an expert on aviation, and he knows you can take a critical component—and these are problems we have all the time—like a bolt that holds on an engine. We are trying to keep them out of the supply chain, because you can make one for $3 that looks real but it will break, but a real bolt costs $10,000. So they could easily substitute parts designed to fail in critical components when a plane has had an overhaul overseas.

I urge adoption of this commonsense amendment. Let's not have the al Qaeda Full Employment Act.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 10 OFFERED BY MS. HIRONO

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112–46.

Ms. HIRONO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 318. COCKPIT SMOKE PREVENTION.

(a) AVIATION RULEMAKING COMMITTEE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to make recommendations to the Administrator to ensure that any aircraft certified by the Administrator is properly equipped with technology that maintains pilot visibility when dense, continuous smoke is present in the cockpit of the aircraft.

(b) COMPOSITION.—The aviation rulemaking committee shall be composed of subject matter experts, aviation labor representatives, and industry stakeholders.

(c) DEADLINE FOR RECOMMENDATIONS.—Not later than one year after the date of enactment of this Act, the aviation rulemaking committee shall submit to the Administrator a report containing the committee's findings and recommendations for regulatory action.

(d) REPORT TO CONGRESS.—Not later than 60 days following the date of receipt of the committee's report under subsection (c), the Administrator shall submit to Congress a report on—

(1) the recommendations of the aviation rulemaking committee; and

(2) the actions that will be undertaken by the Administrator as a result of those recommendations.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Hawaii (Ms. HIRONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. I rise to speak in favor of this amendment, and I certainly appreciate the opportunity to speak on this amendment.

The basic idea of this amendment is to ensure the safety of the traveling public and those whose job it is to get them safely to their destinations, and my amendment has to do with smoke in the cockpit.

I do note that the FAA reauthorization bill that is under consideration today already acknowledges the concern about smoke in the cockpit, because it requires the GAO to study what the FAA has done to address smoke in the cockpit. So my bill takes this concern to a more focused level by establishing an aviation rulemaking committee, an ARC, made up of representatives from aviation labor, industry, and other experts.

Their task would be to carefully examine and provide regulatory recommendations on the issue of cockpit smoke. This advisory committee will not cost the taxpayers any money, and this amendment does not mandate rulemaking. The administrator of the FAA would then review the recommendations, and report to Congress on the steps that he or she will take to address them.

The problem of smoke in the cockpit is not new. In fact, my colleague from Hawaii, Senator INOUYE, introduced

legislation to address this matter as long ago as 1993. And I want to note his introductory remarks on the bill because, 20 years later, we still have not adequately addressed this problem.

In introducing his legislation in 1993, he said, ''My colleagues will be troubled to learn that over the last 20 years there have been a dozen accidents on commercial aircraft in which dense continuous smoke in the airline cockpit may have been a factor. In these accidents, over 850 people have died.''

That was in 1993. Almost another 20 years has passed. Since then, even more lives have been lost in accidents where cockpit smoke was the cause or a factor.

Some will say that, while tragic, incidents such as these are rare and that there are already procedures in place to avoid them. Fortunately, yes, incidents that end in death are rare. However, I believe the available evidence tells a different story about the number of times when smoke in the cockpit comes about.

According to a more recent report, the FAA's Information for Operators Bulletin released October 6, 2010, the FAA noted that they receive over 900 reports a year of smoke or fumes in the cabin or cockpit. An average of 900 incidents in 365 days does not seem to me to be a rare occurrence.

I believe that our national response to this issue has been inadequate. We need a comprehensive, up-to-date analysis of the issue and real-action next steps to protect our pilots and passengers. Therefore, I believe that my amendment is reasonable, logical, does not cost money, and it takes us toward resolving this issue. I urge my colleagues to support my amendment.

I reserve the balance of my time.

Mr. PETRI. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. I understand the intent behind the amendment. We have checked with the people we as citizens pay at the FAA to develop expertise in this area, and they advise us that current safety standards are sufficient to meet the risk posed by cockpit smoke. According to our contacts, the FAA additionally believes that the existing performance-based standards for cockpit ventilation effectively eliminate the unsafe conditions associated with smoke in the flight deck.

Their current regulations require manufacturers to demonstrate that continuously generated cockpit smoke can be evacuated within 3 minutes to levels such that the residual smoke does not distract the flight crew or interfere with flight operations.

So on that basis, we oppose and urge the membership to join us in opposing this amendment.

I reserve the balance of my time.

Ms. HIRONO. I again note that the underlying FAA reauthorization bill that we are contemplating tonight acknowledges this concern by asking the DOA to assess what the FAA has done in this area. So, to me, that says that this is an ongoing concern that is acknowledged in the underlying bill.

In addition, I would like to note that there are any number of private airlines that already have these kinds of systems that I am talking about in my amendment in their fleets. For example, Jet Blue has these systems, UPS. And on the Federal side, I think it is really interesting to note that the FAA's VIP fleet has this kind of system in its cockpits to make sure that their pilots can see when there is continuous dense smoke in the cockpit.

So, again, I urge my colleagues to support this amendment as being reasonable and taking us to the next steps to address this issue.

I reserve the balance of my time.

Mr. PETRI. I would just repeat, current requirements of the FAA require that smoke be evacuated from a flight deck within 3 minutes. And the feeling of the FAA is that resources can best be utilized to focus on the risk that generates the smoke rather than the smoke itself, and on getting the smoke out of the way rather than the approach that is being urged by this amendment. So I continue to recommend opposition.

I reserve the balance of my time.

Ms. HIRONO. I would like to close by reiterating once again that I think it is interesting that the FAA chooses to focus on the causes of cockpit smoke. Frankly, if there is smoke in the cockpit, I don't know that we need to be focusing that much on what causes the smoke. Of course that is important. But at the same time, what I care about on behalf of the pilot and the flying public is, what can we do. What systems are already available, what technology is already available, being used, I might say, extensively by the private sector as well as in government airplanes, that would ensure the safety of our pilots and flying public? This is why I continue to press the adoption of my amendment.

I yield back the balance of my time.

□ 1730

Mr. PETRI. Mr. Chairman, I would just reiterate that according to the information provided to the committee by the FAA, no accidents or catastrophic events have been tied solely to the presence of smoke in the flight deck. An analysis of accident data for the last 15 years shows that the equipment that would be required by this amendment would not have reduced fatal accidents. Therefore, I urge that we listen to the experts, keep our focus on eliminating the cause of the smoke, and not adopt the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. HIRONO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 11 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112–46.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 318. MINIMUM STAFFING OF AIR TRAFFIC CONTROLLERS.

(a) IN GENERAL.—The Secretary of Transportation shall take such actions as may be necessary to ensure that, at a covered airport, not fewer than 3 air traffic controllers are on duty at all times during periods of airfield operations.

(b) COVERED AIRPORT.—In this section, the term ''covered airport'' means the 20 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, at the end of debate, I intend to ask unanimous consent to withdraw my amendment.

First of all, let me indicate to my colleagues the importance of this issue. I served as the chairperson of the Transportation Security Committee on Homeland Security and I now serve as the ranking member, so I have lived through these issues of security for a very long time. From the tragic moments of 9/11 and the organization of our Homeland Security Committee as a select committee, and then the final committee, I have been involved in these issues. So my intent is to discuss why this is an important safety issue and an important security issue.

Again, it is to recognize that our air traffic controllers are really our first responders. It is important to note that air traffic controllers are in rural airports, in small airports, and in our major airports. My amendment would specifically speak to the busiest airports, those airports that could document on an annual basis the amount of passengers at that airport, such as Bush Intercontinental Airport in Houston, Texas, that is number eight.

Commercial aircraft, for example, always have at least two pilots for long hauls. Sometimes there are three for long hauls. Why would we not have the same standards for air traffic controllers? I believe it is important to ensure

the safety of the American public. There are notorious incidents that involve pilot fatigue, but there are also incidents that reflect upon the lack of air traffic controllers.

I commend Secretary LaHood for ordering a second air traffic controller to be on duty, in particular, overnight at the National Airport. And I want to make the point that we are not demonizing air traffic controllers, because if you know the story, you know the individual that fell asleep had been on duty for three nights in a row. The Secretary's action evidences that there is no current mandate for multiple air traffic controllers.

There is legislation in the Senate and there is language in the House bill that deals with the study. I frankly believe that we should have a more firm assessment, having a minimum of three, and at least two air traffic controllers to address this question.

Why do I say that? The National Air Traffic Controllers Association and their president have indicated one-person shifts are unsafe, period. The most horrifying proof of this, of course, came on August 27, 2006. In addition, it has been in the air traffic controllers' mission to have at least two people on staff or as air traffic controllers for most of their existence.

So I stand today saying that it is important that we have trained air traffic controllers. They are called certified professional controllers. But in the top 20 airports, I must ask the question: Why do we have a structure that doesn't require minimally three, at least two, and at least, if you will, would have the individual there at all times who has not been on duty for three nights in a row?

I think that this is an important step, and I would ask my colleagues to work with me as we go forward to ensure the safety and security of the Nation's skies. We are all working together, and I look forward prospectively to looking at legislation, long-term, that addresses this issue of safety and security in the Nation's air traffic control towers. They are our public servants.

Mr. Chair, my amendment calls for staffing minimums of no fewer than three air traffic controllers on duty during the period of airfield operations at the 20 busiest airports in the country.

We have all heard about the air traffic Supervisor who reportedly fell asleep on the job last week, forcing two airliners carrying more than 150 passengers and crew to land without direction at National Airport.

It is a blessing that the pilots had the wherewithal to handle the situation safely, securely, and without incident, but this has highlighted a serious safety and security issue in our aviation system.

Although the Supervisor at National Airport was certified to perform air traffic control, the fact that a Supervisor for the FAA who is responsible for managing air traffic controllers was working alone without any frontline air traffic controller(s) on duty, is shocking in itself. What is more shocking is that this was his fourth 10 p.m. to 6 a.m. shift in a row, according to USA Today.

This is not the first incident at National Airport, where a traffic control tower was left unmanned for an extended period of time.

The vast majority of air traffic controllers are hard working dedicated individuals. 365 days a year, air traffic controllers ensure that we have the safest aviation system in the world.

But Mr. Chair, we are all human and mishaps occur, which is why in the aviation system we use multiple layers and duplication to ensure for the safety of the public and the crew.

Commercial aircraft always have at least two pilots, and for long haul flights, there are three. Why would we not have similar standards for air traffic controllers performing an equally critical function?

Think about the people flying on the planes across our country. They our our grandmothers, husbands, wives and babies. They are American passangers and their lives have value. To ensure their safety we must insist that Certified Professional Controllers (CPC) are always in the tower. We must set a reasonable minimum standard.

I commend Secretary LaHood for ordering a second air traffic controller to be on duty overnight at National Airport. However, the Secretary's action simply evidences that there is no current mandate for multiple air traffic controllers. The Secretary stated, ''It is not acceptable to have just one controller in the tower managing air traffic in this critical air space. I have also asked FAA Administrator Randy Babbitt to study staffing levels at other airports around the country.''

My amendment calls for a minimum of three air traffic controllers in the tower during hours of airfield operation at the Nation's busiest airports.

After 9/11, we witnessed the vital importance of air traffic controllers in protecting our domestic airspace. Air Traffic Controllers also known as Certified Professional Controllers (CPCs) are part of our front line of defense to protect and ensure the safety of our airspace. In the shocking aftermath of the 9/11 attacks, it was air traffic controllers who monitored the air space above our nation to help keep us safe from further attacks.

Our system is clearly not impervious to the effects of human error, and all it takes is one accident for us to regret not taking the proper action on this amendment.

We must not forget the people who are the passengers in those planes that fly above American skies. They are our grandmothers, grandfathers, husbands, wives and children. They are American passengers and their lives have value. To ensure their safety we must insist that air traffic controllers are provided with proper staffing levels to do their important and necessary jobs of keeping Americans safe.

Mr. Chair, let me end by quoting from a statement released by the National Air Traffic Controllers Association which says:

''One-person shifts are unsafe. Period. The most horrifying proof of this came on Aug. 27, 2006, when 49 people lost their lives aboard Comair Flight 191 in Lexington, Ky., when there was only one controller assigned to duty in the tower handling multiple controllers' responsibilities alone. One person staffing was wrong then and it's wrong now.''

Mr. Chair, my amendment is essential to ensure that we continue to have the safest and most secure aviation system in the world, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. MICA. I claim the time in opposition.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Again, I think the gentlelady's intentions are honorable, and I know she is trying to make certain that we are safe and secure. However, the way the amendment is crafted with actually requiring three air traffic controllers all the time in the top 20 as far as traffic, first of all, I would say it doesn't achieve her goals.

First of all, all of those, we have a list of them, have at least two air traffic controllers. Some of them have very few flights. This doesn't answer the problem that they had at Ronald Reagan Airport. There was a period of time when they have no traffic at many of these airports, so what she would be doing the way this is crafted is requiring at least three all the time, when we have two already, and requiring an additional one.

These are not cheap, easy-to-come-by air traffic controllers. They earn, on average, $163,000. Where I need to put them is where I have the air traffic. We always are required by labor organizations and by FAA to staff to traffic.

So her amendment, while maybe well-intended, it actually achieves the opposite. All of these, every one that she mentioned, has at least two, and then I would be adding more people when they have no traffic as opposed to putting them where I need them where they have traffic.

I understand she is going to withdraw the amendment. I would be glad to work with her. We do have provisions in here that will help us, I think, with some of the personnel movement and questions of professionalism and competency and training that will address some of the shortfalls we have seen from a limited number of FAA air traffic controllers.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Let me thank the gentleman, and let me thank Mr. COSTELLO, as well, for working on these issues. I think both Members know my relationship to the issues of transportation security.

I would argue that having a statutory framework to work from is the appropriate approach to take. You can assess, then, whether you need three or two or whether some of the airports already have the standing amount. But we have to focus on the security of our skies, if you will, and we don't want any more tragedies to occur without some framework.

I look forward to working with both gentlemen on a framework for our air traffic controllers. I intend to work on legislation that embodies safety and security in a jurisdictional manner and working with Homeland Security, working with the Department of Transportation and our respective jurisdictional committees.

We owe this to the American public. It is my commitment to ensure that professionalism is there, that safety and security are there, and no more lives are lost because of the potential of an overly tired air traffic controller.

With that, Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 1740

AMENDMENT NO. 12 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112–46.

Mrs. MILLER of Michigan. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 140, line 2, insert after ''industry'' the following: '', Federal agencies that employ unmanned aircraft systems technology in the national airspace system,''.

Page 140, line 23, strike ''and''.

Page 140, after line 23, insert the following:

(iii) to develop standards and requirements for unmanned aircraft systems sense and avoid performance; and

Page 140, line 24, strike ''(iii)'' and insert ''(iv)''.

Page 144, after line 10, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 325. SAFETY STUDIES.

The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to support the integration of unmanned aircraft systems into the national airspace system.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Thank you, Mr. Chairman. I certainly also want to thank Chairman MICA, as well as Chairman PETRI and also Ranking Member COSTELLO, for all of their hard work and for putting out a bill I think will help us move the Nation forward and improve the quality of aviation in America.

My amendment is designed to help expedite and to improve the process by which FAA works with government agencies to incorporate unmanned aerial vehicles, or UAVs as they're commonly called, into the National Airspace System. Currently, Mr. Chairman, law enforcement agencies across the country, from Customs and Border Protection to local police departments, et cetera, are ready to embrace the new technology and to start utilizing UAVs in the pursuit of enforcing the law and protecting our border as well.

However, the FAA has been very hesitant to give authorization to these UAVs due to limited air space and restrictions that they have. I certainly can appreciate those concerns; but when we're talking about Customs and Border Protection or the FBI, what have you, we are talking about missions of national security. And certainly there's nothing more important than that. It was a very, very lengthy exercise to get the FAA to authorize the use of UAVs on the southern border. While they're finally being utilized down there, we are certainly a long way from fully utilizing these technologies.

So my amendment does three things. First, it makes sure those stakeholders currently using UAVs have a seat at the table during the integration process. Second, my amendment would clear up a source of confusion in this process and direct the FAA to define exactly what it means by ''sense and avoid technology.'' We think this would provide very clear-cut criteria in order to ensure compliance.

Finally, my amendment directs the FAA to conduct the safety studies that it is requiring. Currently, the FAA would direct various agencies to conduct these studies themselves. However, there is no agency in the Federal Government that has the expertise and the competency that FAA has when it comes to studying safety in the air. So I think this would guarantee that the safety studies that the FAA requires for this process are as comprehensive as possible.

As I said before, we do have some domestic UAV missions in effect. There's three in Arizona, there's two in North Dakota, and maritime guardians as well in both Florida and Texas. We've made some progress, but when we have a situation in this Nation where we don't have operational control of either of our borders, either the southern border or the northern border, I think that the taxpayers are well-suited to be able to utilize current DOD technology, off-the-shelf hardware that has already been extremely effectively in theatre with these UAVs to help us with our border protection.

UAVs are ready. They work. I think it's past time we utilize them. We need to have the FAA help us with this kind of thing as well.

Mr. PETRI. Will the gentlewoman yield?

Mrs. MILLER of Michigan. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank my colleague from Michigan for yielding. We've reviewed her amendment and have no objection to it. We think it's a step forward, and I would urge my colleagues to join us in supporting this.

Mrs. MILLER of Michigan. I certainly appreciate Chairman PETRI's comments on that.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of California. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of California. Mr. Chairman, if H.R. 658 passes, this 4-year FAA reauthorization bill would devastate rural communities across our great country. This legislation completely phases out the Essential Air Service program, rolls back critical funding needed for airport improvement programs, fails to adequately protect the rights of air passengers, and would cost us close to 70,000 American jobs.

The EAS, the Essential Air Service program, is necessary to provide air service into our country's most rural communities. This year alone, 110 rural airports in the continental United States were helped by this important program. These airports, like the one I represent in Crescent City, California, would simply not be in operation if it weren't for the EAS program. This legislation would completely phase out the EAS program for all airports in the Lower 48 by 2014. This would be devastating for small businesses and a public safety disaster.

I singled out Crescent City Airport in Del Norte County on the west coast of California because, as we all know, just a couple of weeks ago we had a tsunami. Crescent City, California, was ground zero for that tsunami on the Pacific coast. Crescent City received about $40 million worth of damage. We lost a life. All the roads were closed in and out of the area. The only way to get people in and out—some of those people critical public safety individuals, folks who came in to do assessments and to help out in this devastating time—were through our small airport. If this program is lost, that small airport would not be there for my district and all of the other rural districts across the country.

Mr. Chairman, I agree that we've gone too long without a long-term FAA reauthorization bill. However, the bill before us, I believe, would do more harm than good for our aviation system. For that reason, I urge all of my colleagues to vote ''no'' on this bill.

I yield to my friend from Illinois.

Mr. COSTELLO. Mr. Chairman, we support the gentlelady's amendment.

Mr. THOMPSON of California. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. WOODALL

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112–46.

Mr. WOODALL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 157, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 3___ CERTAIN EXISTING FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any interpretation issued by the Administrator of

the Federal Aviation Administration, the requirements regarding sections 263 and 267(d) of part 135 of title 14, Code of Federal Regulations, for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all-cargo aircraft regarding certain flight times and rest periods shall remain in effect as such requirements were in effect on January 1, 2011.

(b) RESTRICTION ON REGULATIONS.—The Administrator may not issue, finalize, or implement a rule regarding sections 263 and 267(d) of part 135 of title 14, Code of Federal Regulations, as proposed in docket No. FAA-2010-1259, Interpretations of Rest Requirements, published in the Federal Register on December 23, 2010, or any similar rule regarding such sections for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all-cargo aircraft.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Georgia (Mr. WOODALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. My amendment supports a longstanding FAA regulation of medical charter flight services under part 135. There's been a lot of focus on fatigue and pilot rest and duties. I certainly understand that on the passenger side of the equation, but these medical charter flights fall into a little different category.

If you chartered a flight to fly down and pick up a heart for a heart transplant, the lifesaving thing to do is to actually keep that flight coming back, not to delay it with additional rest and regulations. Because of the unique circumstances that these air ambulances are in, that these medical charter flights are in—and we even expanded it to include cargo because in this increasingly regulatory environment I didn't want there to be any confusion that if we had a heart on a plane, that was somehow not a medical ambulance flight because there was no person there to prevent the FAA from re-regulating this area in the same way that they have regulated passenger charter flights.

This has long been treated under a special part of the regs for a special reason because these air ambulance flights provide a critical addition to our health care delivery system in this country and because the flights that they are involved in are genuinely a matter of life and death.

With that, I would ask my colleagues to support this protection of the current regulatory structure of these medical charter flights and prevent the reinterpretation of that structure.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. No Member seeking time in opposition, the question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. PIERLUISI

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 112–46.

Mr. PIERLUISI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 161, line 18, strike ''Alaska and Hawaii'' and insert ''Alaska, Hawaii, and Puerto Rico''.

Page 164, line 19, strike ''ALASKA AND HAWAII'' and insert ''ALASKA, HAWAII, AND PUERTO RICO''.

Page 164, line 21, strike ''Alaska and Hawaii'' and insert ''Alaska, Hawaii, and Puerto Rico''.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. The Essential Air Service program, enacted in the wake of airline deregulation in 1978, ensures that smaller communities that were served by air carriers before deregulation continue to be served so that residents of these communities can access air travel. Nowhere is the Essential Air Service program more essential than in noncontiguous U.S. jurisdictions, like Puerto Rico, that are separate and distant from the U.S. mainland.

The bill already passed by the other body would make reforms to the EAS program going forward, but would continue the program, in effect. The bill before us would phase out the EAS program by October 2013, but would expressly authorize the Secretary of Transportation, if he or she deems it appropriate, to continue the program beyond that date in the noncontiguous jurisdictions of Alaska and Hawaii.

My amendment would provide the Secretary with the same reasonable discretion in the case of Puerto Rico. The sound arguments that militate in favor of allowing the Secretary this discretion with respect to Alaska and Hawaii apply with similar force with respect to Puerto Rico.

□ 1750

Like Alaska and Hawaii, Puerto Rico is a non-contiguous jurisdiction, separated by ocean from the U.S. mainland. Puerto Rico consists of multiple islands, three of which are home to resident populations and active airports: namely, the main island of Puerto Rico and the outer islands of Vieques and Culebra.

As in Alaska and Hawaii, not all communities in Puerto Rico are connected by road, and the nearly 4 million U.S. citizens residing in the territory rely heavily on aviation to connect to the national air transportation network. Federal support under the EAS program has made this essential connection possible for many of my constituents who face unique geographic challenges.

Continued operation of the EAS program in Puerto Rico is likely to cost the Federal Government only about $1 million a year, roughly .06 percent of the total cost of the program in 2010. The EAS program is funded through FAA overflight fees, which apply to operators of aircraft that fly in U.S.-controlled airspace, including Puerto Rico.

Mr. Chairman, based on an earlier discussion we had on the floor, I know my friend, the gentleman from Florida, is willing to work with me to address this matter as we move forward.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I rise in opposition, although I am not in opposition. I ask unanimous consent to control the time.

The Acting CHAIR. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. MICA. First of all, I want to thank the gentleman for his leadership in representing so well the people of Puerto Rico. Also, again, Governor Fortuno, who preceded the current delegate. I talked to them about this situation, and they do indeed have an essential air problem. He cited Vieques and Culebra, for example, and I know even during the recent season they had ferry boat interruption service. There's no other way to get back and forth. And this does constitute Essential Air Service.

As I have said to the gentlewoman and the gentleman from North and South Dakota and the gentleman from Pennsylvania and now to the gentleman with Puerto Rico, I commit to work with them and will try to address their concerns. He has my commitment in that regard.

I understand he's going to withdraw his amendment, and I'm grateful for his cooperation and pledge to work with him.

I yield back the balance my time.

Mr. PIERLUISI. Mr. Chairman, I want to thank the gentleman from Florida for his kind words and for the commitment he has made to ensure that Puerto Rico is not overlooked in the deliberations about the Essential Air Service program. I cannot overstate the importance of air service for my constituents, especially those living in Ponce and Mayaguez, as well as the islands of Vieques and Culebra. Therefore, I look forward to working with the gentleman from Florida as well as with the ranking member of the committee of jurisdiction on this issue.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 15 OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112–46.

Mr. SCHWEIKERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 170, after line 12, insert the following:

(e) EXTENDING LENGTH OF FLIGHTS FROM RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—Section 41718 (as amended by subsection (d)(1) of this section) is further amended by adding at the end the following:

''(h) USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.—Notwithstanding section 49109 or any other provision of law, any air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of January 1, 2011, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, which are being used as of that date for scheduled service between that airport and a large hub airport may use such slots for service between Ronald Reagan Washington National Airport and any airport located outside of the perimeter restriction described in section 49109, except that an air carrier may not use multi-aisle or widebody aircraft to provide the service authorized by this subsection.''.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, first, I really do want to thank the chairman here for his hard work. Let's face it. This is a tough bill to put together. There's a lot of moving parts. And I truly appreciate the diligence that you and your staff have done to ensure that this FAA authorization continues to move forward.

The current DCA slots language in the bill does offer some relief to travel restrictions imposed by the DCA perimeter rule. It would make a handful of additional—what's the proper term?—''beyond perimeter'' opportunities available, and those flying opportunities would probably go to new carriers or those with limited presence right now at Reagan National.

But there needs to be, and there really should be, more done. My amendment would allow carriers which currently have slots at National Airport to convert flights now servicing large hub airports inside the perimeter zone into flights serving any airport outside the perimeter zone. This approach would result in greater access for communities beyond the perimeter zone without adding any new flights and without jeopardizing service to small- and medium-sized communities. There is substantial support for the idea. There are many other ideas worth considering in this basic concept of dealing with this perimeter zone.

The perimeter rule restriction for flights coming in and out of Reagan National really are outdated. It's a vestige of a long time ago when the government thought really it should control and manage and, shall we say, manipulate markets. Whatever justification there might have been a long time ago, the perimeter rule has surely outlived its purpose. Our constituents, particularly those in the western part of the country, are penalized by continued imposition of this perimeter rule. Broader relief of this rule, broader definition, broader expansion—this competition would benefit consumers and allow a better market to function for all of us.

I would like this opportunity to work with the chairman to achieve the result of more competition. This is a very important bill. This is important to us in the West, and I do believe we should broaden the scope of the perimeter rule.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I strongly oppose the gentleman's amendment. The gentleman may or may not know that this is the one issue that held us up from getting an FAA reauthorization bill in the last Congress. In fact, we could not get the bill out of the Senate because of this issue. It would, in fact, be an earmark for one airline.

I support the language that is currently in the bill. It's taken years for us to negotiate where we are with this issue, and I, again, strongly oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Mr. Chairman, I yield to the gentleman from Florida, the chairman of the Transportation Committee.

Mr. MICA. Again, I do have concerns and share the concerns of Mr. COSTELLO. This is a hard-fought provision.

I will guarantee the gentleman that I am aware of his concerns. I will work with him as the bill proceeds hopefully through the conference process. And I think you're doing an outstanding job in representing the constituencies who are affected who want those longer-distance services to come into our Nation's Capital.

Again, he has my strong commitment. I am hoping that he would withdraw the amendment at this time. I pledge to work with him, and I know Mr. COSTELLO will also work with the gentleman in that regard.

Mr. SCHWEIKERT. I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I rise to support the chairman of the committee, Mr. MICA, and the ranking member on this issue.

□ 1800

As the ranking member pointed out, this was the single issue. The amendment being offered by the gentleman from Arizona was identical to the dispute which submarined this bill in the last session of Congress in the Senate. Essentially, it's a grab by, principally, one airline, but two airlines would get 70 percent of the benefit of his amendment. I think that's pretty much an earmark. It's pretty darned targeted.

What we've proposed and what the chairman has proposed is much more modest and builds upon the consensus of the House, the last two sessions of this House, and also the last two successful reauthorizations of the FAA, which said, let's have real competition. So it put up a small pool of slots to be competitively awarded to areas that are underserved, not to one airline so it can dictate who will get service and who won't, which is what the gentleman's amendment would do. This would be a competition for underserved cities and airlines which do not now have access to the airport.

This is very similar to what was done in AIR–21 and Vision–100. I believe it is an elegant solution to this that will not cause additional noise or problems at the airport, that will not give one airline a near monopoly or two airlines pretty much a duopoly. The market at National will give consumers on the west coast more options in getting to our Nation's capital and in utilizing National Airport.

So I appreciate the gentleman's advocacy for an airline which serves his State, but that airline doesn't serve mine or many other western States. I would urge opposition, and let's have a real competitive position, which is the position of the committee.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SCHWEIKERT. Mr. Chairman, in reclaiming whatever time I still may have remaining, I actually appreciate the comments.

My ultimate goal is: more competition, more options, more choices. In the quick conversation I just had with the chairman, he assured me that he'd be willing to work with all of the parties that want to reach this goal.

And so with unanimous consent, I would like to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 16 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 112–46.

Ms. RICHARDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 173, at the end of the matter following line 2, insert the following:

''42304. Notification of flight status by text message or email.

Page 179, line 23, strike the closing quotation marks and the final period and insert the following:

''§ 42304. Notification of flight status by text message or email

''Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations to require that each air carrier that has at least one percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

''(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier as a means of notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

''(2) the notification if the passenger requests the notification.''.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Mr. Chairman, I thank you for this opportunity to bring my amendment forward. I want to point out that I actually brought forward this amendment back in 2009, and it was passed in this House back on May 21, 2009.

My amendment directs the FAA administrator to promulgate regulations within 180 days, giving consumers an option—I want to stress an ''option''—for a text message or an email notification from carriers in the event of a delayed or a cancelled flight. The amendment would, consistent with existing regulations, apply only to carriers which earn at least 1 percent of the domestic passenger service market.

My purpose today is not to tell the airlines how to run their businesses or to instill any burden on the airlines. It is merely to ensure that hardworking men and women who are spending their dollars flying the airlines are given the basic information that they deserve and, as I would say, what they've already paid for. We can all tell horror stories of delayed and cancelled flights. Given the advances in technology and the widespread use of cell phones and smart phones nationwide, it is only reasonable to consider that we would utilize 21st century solutions for all of the American public, not just for some who can pay a little bit more for it.

My amendment will help to ensure that the traveling public will receive timely notifications of any flight delay or cancellation. I need not tell you that flight delays and cancellations continue to be a problem. In fact, the Bureau of Transportation reported that, in 2010, more than one out of every five flights was delayed.

Major choke points for travelers have taken place at large hubs, but they can occur anywhere. It is not uncommon that the airlines have prior knowledge of an upcoming delay, and that information should be shared appropriately with the public. The airlines can simply send each passenger who has requested it an email or a text message, which would give those passengers more time to plan alternative routes or to notify their families.

Earlier this year, snow slammed the east coast and the Midwest. In the New York region alone, the storm caused thousands of cancelled flights at the Newark Airport. Customer service does matter, and in this case, it is something that all Americans deserve. Also, consider that it is in the economic interest of our country not to have thousands and thousands of people who are flying and who, unbeknownst to them, end up sleeping on the floor and running out of baby's milk and diapers, having a need to get to their final points.

Let me suffice to say that, in consultation with my colleagues on the other side, with Mr. MICA and others as well as with those in the industry, I have committed to working with them as we go forward to make sure that we can eventually get to a point where we can provide the public with the information but not in a way that is burdensome. So, today, I will not ask for a recorded vote, but I look forward to working with my colleagues on the other side to establish a better process going forward, which the industry has also agreed to work with me on.

I reserve the balance of my time.

Mr. PETRI. I rise in opposition to the amendment.

The Acting CHAIR (Mr. SIMPSON). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. We really do support the intent of the gentlelady from California's amendment, but in our opinion and without further work and review of it, it's not something that is wise to codify into law at this particular juncture.

It is my understanding that all of the major air carriers do provide electronic notification of flight status. We want to review it to make sure of the scope of those, less the major carriers, and as to how this would work in practice so that it doesn't result in litigation and not really greater consumer convenience. The industry has been moving. Since you called this to the attention of the industry back several years ago, it has been implemented by all of the major carriers. So progress is being made, and we'd like to work with you to make further progress, but we do oppose the amendment at this time.

I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from California has 2 minutes remaining.

Ms. RICHARDSON. I thank the gentleman on the other side for his willingness to work with me.

As I have just spoken to the industry individuals, actually, not all of them have implemented it, so there is room to grow. Also, not necessarily all passengers are aware of the service or have access to it.

Suffice to say, I agree with your thoughts. Certainly, we're not looking to do anything burdensome, and we're certainly not looking for legal issues, but if we can figure out a way to work to get the best thing for the American public, that's my objective.

I reserve the balance of my time.

Mr. PETRI. I understand the delegate from the District of Columbia would like to address this issue. I yield 2 minutes to our colleague, ELEANOR HOLMES NORTON.

Ms. NORTON. I appreciate my friend yielding me 2 minutes. I did not get an opportunity to speak on the last amendment. Although I'm from the region, I did want to reinforce why the compromise fashioned by the chairman and the ranking member is so important. Whenever this bill comes up, there is some individual, usually from the other body, who wants to expand the perimeter.

Dulles and Reagan are essentially airports under congressional control, and Congress has mandated a balance between Reagan and Dulles, and has allocated finances accordingly. Reagan is a short-distance airport. Dulles is the long-distance airport. Reagan has one primary runway. There were stories in the paper just recently about how hard it is, therefore, for planes to land there. Dulles has four times as many. The underuse of Dulles would, in fact, waste substantial investment that the Congress has put into this balance.

□ 1810

The compromise language does at least import competition; whereas, the original amendment would have been a windfall to one or two airlines.

So I very much appreciate this compromise. Remember, those of us in the region would prefer nothing outside of the perimeter, but we're always willing to work with the chairman and with others on the committee, and I am grateful for the compromise that has been accepted, and I'm very grateful that the gentleman from Arizona has been kind enough to withdraw his amendment.

Ms. RICHARDSON. Mr. Chairman, the flying public should have the peace of mind of knowing that, if they so choose, they're armed with the latest information regarding their flight delays. This is what our American public has right now.

As this bill continues, I pledge to continue to work with Mr. PETRI, Mr. MICA, and our ranking member, Mr. COSTELLO, as we continue to work to make sure that the airlines can come up with a solution that will benefit all of the flying public here in America, a solution that does not burden the consumers or the industry, that can allow us to get to our objective, which is for people to fly safely and to be appropriately informed.

I urge my colleagues to continue to work on this issue.

I yield back the balance of my time.

Mr. PETRI. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The amendment was rejected.

AMENDMENT NO. 17 OFFERED BY MR. CAPUANO

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112–46.

Mr. CAPUANO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 189, after line 13, insert the following (and conform the table of contents accordingly):

SEC. 434. BAGGAGE FEE REFUNDS.

An air carrier that collects a fee from a passenger for checked baggage on a flight operated by the carrier in scheduled passenger air transportation or intrastate air transportation shall refund the fee, not later than 60 days after the date of the flight, if the baggage is lost, delayed, or damaged. A refund required under this section shall be in addition to compensation required under any other provision of law.

SEC. 435. NOTIFICATION REQUIREMENTS REGARDING THE SALE OF AIRLINE TICKETS.

(a) NOTICE OF FEES.—Section 41712 is amended by adding at the end the following:

''(d) NOTICE OF FEES.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier or foreign air carrier to fail to disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket, the cost of checking one or more pieces of baggage on the flight.

''(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided by—

''(A) requesting the individual purchasing the ticket to indicate the number of bags the individual intends to check on the flight, when the individual is providing other flight and airport information; and

''(B) informing the individual of the cost associated with checking such baggage when a fare quote is first provided.''.

(b) SHARING OF INFORMATION.—To carry out the amendment made by subsection (a), the Secretary of Transportation shall prescribe any requirements necessary to ensure that consumers are provided with information about baggage fees prior to the sale of a ticket, including requiring that pertinent information is adequately shared between carriers and ticket agents with which carriers have an agency appointment or other contract.

(c) CONTRACTUAL RELATIONSHIPS.—Nothing in this section, including the amendments by this section, shall be construed to require—

(1) an air carrier or foreign air carrier to enter into an agency appointment or other contract with a ticket agent; or

(2) an air carrier or foreign air carrier to provide information to a ticket agent with which the carrier does not have an agency appointment or other contract.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. CAPUANO. Mr. Chairman, this amendment is very simple. It does two simple things. We worked with the Department of Transportation to make sure that we don't step on any toes.

Very simply, it requires any airline charging a baggage fee to tell us what it is so that when you want to go online and get a hundred dollar ticket, you know it's going to cost you $120 for the baggage or whatever. Very simple. It also requires them to share that information with any other aggregator that they already have a contract with. It does not require them to share that information with people that they do not do contract work with.

The second thing it does is it simply says, if you collect a baggage fee and you lose that bag, that you have to refund the baggage fee. Very simple.

Two items, consumer protection. Everybody who travels, everybody who flies knows that these two issues have become problems. They are being unaddressed. DOT is looking at some regulations. They haven't done it yet. There is nothing in this bill that would interfere with that activity.

Therefore, Mr. Chairman, I would respectfully request that this amendment be adopted.

I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. First of all, I greatly respect the gentleman's intent. I strongly favor the disclosure of fees by airlines. I think that fees ought to be refunded when bags arrive late, damaged, or just lost.

However, as drafted, the amendment goes far beyond that and allows, again, some unfairness to contractual agreements, first of all, with global distribution systems and ticket agents. This requirement tips the scales in favor of global distribution systems and their business relationships with airlines, and global distribution systems are not charitable organizations. They're owned by private equity firms, hedge funds, and exist to make money in the travel industry, and we would tip the balance in this requirement for them.

I favor part of what the gentleman's trying to do, but as crafted, I have to oppose the amendment because of that provision.

I yield back the balance of my time.

Mr. CAPUANO. Mr. Chairman, I respect the chairman's opinion, but I respectfully disagree. There is nothing in this proposal, as drafted at the moment, that would require anyone to disclose any information to anyone they are not already giving information to. If an airline is already doing work with Orbitz or Expedia or KAYAK or any of those, they're already giving them all of the information.

All this says, if when you go onto one of those Web sites, if they are already working with them. Some of them don't work with them at all. That's their prerogative. There's nothing that requires that. It simply says, if you are working with them, you have to add in the baggage fee. That's all it does. It's simply allowing people to make informed decisions as to how much they want to pay to actually travel with their own bags, not a very difficult thing.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Illinois (Mr. COSTELLO), the ranking member.

Mr. COSTELLO. I thank the gentleman for yielding.

I think it is worth pointing out that last July Mr. PETRI and I held a hearing at the Aviation Subcommittee, and we had the GAO come in. It was on consumer issues, and not only the GAO but also consumer groups came in, and the message was clear from every witness that had consumers' interests in mind.

Number one, these fees were excessive. Two, information about baggage fees should be transparent and immediately disclosed so that consumers can compare the total cost of flights offered of the different carriers.

So, this legislation helps bring more equity and transparency to the process. I urge my colleagues to support it.

Mr. CAPUANO. Mr. Chairman, I would like to put into the RECORD a letter of support by Flyers Rights, the largest flying public representative in the country.

MARCH 21, 2011.

Hon. JOHN MICA,
Chairman, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN MICA: Congressman Michael E. Capuano recently introduced H.R. 712, which would require air carriers to refund passenger baggage fees if such baggage is lost, delayed, or damaged, and require air carriers and ticket agents to include the actual cost of checked baggage when quoting an airfare. This bill addresses two serious problems for air travellers, and the 33,000 members of FlyersRights.org strongly support this legislation.

The first problem is all too familiar to anyone who flies frequently. About,10,000 bags a day are mishandled—lost, damaged, or delayed—and passenger recourse has always been limited. Lost or damaged bag incidents may result in some compensation. However, most airlines now charge fees for checked baggage. When a bag is lost, damaged, or delayed, they are under no obligation to return those fees, even though they have failed to perform the contract implied by passengers' paying for bag delivery to destination. Clearly, airlines should not profit from performance failures.

The second problem is relatively new. Most airlines increasingly turn to unbundled, ancillary fees to boost their profit. These fees, not a part of the advertised ticket price, make it difficult for travellers to determine true trip cost. Mr. Capuano's bill would force airlines to proactively inform consumers of baggage charges before the travellers purchase tickets. This fee disclosure was made mandatory by a May, 2008, DOT rulemaking, but needs to become a part of public law. H.R. 712 complements and builds on DDT's rulemaking by requiring airlines to ask customers if they'll be checking baggage when providing a fare quote, and to then include that fee in their quote. It would also apply to ticket agents and fare aggregators, where it will probably be most useful.

I again stress that FlyersRights.org strongly supports this legislation and views it as a strong step forward for airline passenger rights.

Sincerely,

KATE HANNI,
Founder and Executive Director, FlyersRights.org.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAPUANO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 112–46.

Mr. GINGREY of Georgia. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 216, after line 2, insert the following:

(b) LABOR MANAGEMENT RELATIONS.—

(1) EXCLUSION FROM THE EXCEPTION.—Section 40122(g)(2)(C) is amended by inserting after ''chapter 71'' the following: ''(other than subsections (a), (c) and (d) of section 7131)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that such amendment shall not have the effect of causing official time to be denied or otherwise made unavailable for purposes of—

(A) the negotiation of a collective bargaining agreement, if commenced before such date of enactment;

(B) any proceeding before the Federal Labor Relations Authority, if commenced before such date of enactment; or

(C) any other matter pending on such date of enactment, in connection with which any official time has been used or granted before such date.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Chairman, I rise today to offer an amendment with my good friend Mr. TODD ROKITA from Indiana that will increase efficiency in the FAA and uphold the integrity of taxpayer dollars.

In fiscal year 2008, the Office of Personnel Management conducted an extensive survey of 61 Federal agencies and found that nearly 3 million workhours and over 120 million taxpayer dollars were spent on union activities during official work-related time. This amendment prohibits Federal employees of the FAA from using official taxpayer-sponsored time on these activities.

By offering this amendment, I intend to limit Federal activity during normal business hours to the people's work and not for constantly bargaining with one's employer, arbitrating grievances, or organizing and carrying out internal union activities. Labor organizations must participate in these actions outside of official time and without the use of taxpayers' hard-earned dollars.

Mr. Chairman, the current collective bargaining agreement between the FAA and air traffic controllers allows for nine Federal employees to spend their—get this—their entire work year on behalf of the union. Let me be abundantly clear. Nine Federal employees are paid by taxpayers for absolutely no official work on their behalf.

So this amendment in no way inhibits an employee's right to participate in collective bargaining or arbitration even though union representatives generally drag these activities out for months to years, costing taxpayers a tremendous amount of money.

Opponents of this amendment will inevitably say that union representatives cannot use any official time for political activity and only for work-related purposes. However, Mr. Chairman, during the CR debate on H.R. 1 two weeks ago, a Federal employee working for the EPA sent Members an email at 2:47 p.m. in the afternoon with a letter attached that opposed an amendment, literally stating ''official time cannot be used for any political activities.'' I find it hard to believe how this letter does not constitute a political activity for which this Federal employee clearly evaded his official work responsibilities, in the middle of the work day, in order to weigh in on a political matter on behalf of his union.

NATIONAL COUNCIL OF EPA LOCALS
COUNCIL #238, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES (AFL-CIO),
Chicago, IL, February 18, 2011.

AN OPEN LETTER TO CONGRESS

DEAR HONORED MEMBER OF CONGRESS: As President of the American Federation of Government Employees (AFGE) National Council of EPA Locals #238, representing more than 10,000 U.S. Environmental Protection Agency Federal civilian employees across America, I am writing to ask you to oppose any efforts to include in H.R. 1, the FY2011 Continuing Resolution, the Gingrey Amendment #185, the Rokita Amendment #209, or any other amendment to eliminate the use of official time for union representation across the federal government.

In the 1978 Civil Service Reform Act (the Act), Congress expressly stated its belief that collective bargaining not only ''safeguards the public interest,'' but ''contributes to the effective conduct of public business,'' and ''facilitates and encourages the amicable settlement of disputes . . .'' Under the provisions of the Act, federal employees represented by a union can be granted official time, or the ability to perform representational activities during work hours, for certain activities that are in the joint interest of both the union and the agency. Official time is allowed for negotiating collective bargaining agreements, handling employee grievances, and conducting and receiving training. It cannot be used for conducting internal union matters, organizing workers, soliciting members or any partisan political activities. It promotes efficiency and efficient resolution of complaints within the federal workforce.

It is important to note that as part of the Act of 1978, Congress requires federal employee unions to work on behalf of all employees in a bargaining unit regardless of whether or not they pay dues. Moreover, the Congress prohibits federal employee representatives from even collecting a fair-share payment or fee when they handle grievances for non-members or arbitrate cases on their behalf. In other words, non-members get the proverbial free lunch; they contribute not a dime, yet they benefit directly from the hard-fought bargaining gains and skilled representation that organizations representing federal employees are compelled by law to provide equally to both members and non-members.

In exchange for being saddled with these responsibilities, the Congress allowed federal employee unions to bargain with agencies over official time, by which federal employees who are also union representatives can fulfill obligations to their members and non-members while on duty status. Some Members of Congress have advocated cutting the salaries and benefits of those who serve the public as employees of the federal government. These employees are the individuals who secure our borders, keep terrorists behind bars, get Social Security checks out on time, ensure a safe food supply, make sure Americans have clean water and air, and care for our wounded veterans, but they have been unfairly painted as the cause of our country's economic troubles.

Use of reasonable amounts of official time has been supported by government officials of both political parties for some 50 years. The recent opposition to official time has nothing to do with deficit reduction and everything to do with taking away Federal Employees' right to union representation. It is an attempt to make the grievance process meaningless so that an employee who has been the victim of race or gender discrimination, sexual harassment, unfair denial of Family Medical Leave Act (FMLA) leave, or unsafe working conditions would have no representative to contact.

Private industry has known for years that a healthy and effective relationship between labor and management improves customer service and is often the key to survival in a competitive market. The same is true in the federal government. No effort to improve governmental performance—whether it's called reinvention, restructuring, or reorganizing—will thrive in the long haul if labor and management maintain an arms-length, adversarial relationship. In an era of downsizing and tight budgets, it is essential that unions have official time so that management and labor have a stable and productive working relationship that allows for collaboration in delivering the highest quality and most effective services to the American people.

This mean-spirited attack on Federal civilian employees is not only bad policy and demoralizing, but also erodes the faith of the American people that Congress can be counted on to provide them with even basic government services.

I urge you to vote ''no'' on the Gingrey Amendment #185, the Rokita Amendment #209 and any other amendment to eliminate the use of official time for union representation across the federal government.

Respectfully,
CHARLES (''CHUCK O'') ORZEHOSKIE,
President, AFGE Council 238.
JOHN J. O'GRADY,
Treasurer, AFGE Council 238.

□ 1820

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. The amendment unfairly singles out the FAA unionized employees from all other Federal employees. Under Federal law, an employee representing a union has a right to receive ''official time'' to negotiate a collective bargaining agreement and participate in impasse proceedings. In addition, the law permits an agency and a union to negotiate the availability of official time as long as the time is ''reasonable, necessary, and in the public interest.''

Mr. Chairman, additionally, the purpose of the official time is to give Federal employees the opportunity to represent their colleagues on issues ranging from discrimination to managerial misconduct and to resolve disputes in a cooperative fashion at the lowest level rather than resorting to the costly litigation. The cost of arbitrating one case is estimated to be at least $10,000, and that does not include the salary and expenses for the time spent by the two attorneys the FAA uses on every case.

Mr. Chairman, I would respectfully submit this is an issue that should be left to be negotiated between the agency and the employees.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Mr. Chairman, I yield 10 seconds to the gentleman from Florida (Mr. MICA), the committee chairman.

Mr. MICA. I would like to submit this letter of support for the RECORD.

ASSOCIATION OF AIR MEDICAL SERVICES,
Alexandria, VA, March 25, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

Hon. THOMAS PETRI,
Chairman, Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

Hon. NICK RAHALL,
Ranking Member, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

Hon. JERRY COSTELLO,
Ranking Member, Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN MICA, RANKING MEMBER RAHALL, CHAIRMAN PETRI, RANKING MEMBER COSTELLO: The Association of Air Medical Services (AAMS) greatly appreciates your efforts to enact an overdue, long-term reauthorization of the Federal Aviation Administration (FAA). We are also appreciative of your comprehensive efforts to address the safety concerns of the air medical industry within the reauthorization legislation.

Like others in the air medical industry, AAMS is committed to efforts to improve the safety infrastructure for air medical providers, crews, and the patients they serve. Your bill contains a number of provisions that address rapidly-emerging technology and other practices that will surely benefit the industry's efforts for increased safety.

As you know, the FAA has been operating without a long-term authorization since 2007. The uncertainty of operating without a long-term authorization makes it difficult for the FAA to move forward with badly needed investments to improve the aviation infrastructure, and in particular the low-altitude infrastructure. As such, it is critical the FAA reauthorization process is completed as quickly as possible. AAMS urges the House to act on FAA reauthorization as soon as possible so that the process can expeditiously move toward completion and bring long-needed stability to FAA operations.

Again, thank you for your efforts on this important issue. As always, please do not hesitate to call upon AAMS if we can be of further assistance.

Sincerely,

DANIEL G. HANKINS, MD,
President.
DAWN MANCUSO,
Executive Director/CEO.

MARCH 30, 2011.

As proponents of safe and reliable lithium battery transportation regulations, we urge you to support language in the Mica Manager's Amendment to H.R. 658, which would ensure that U.S. regulations governing air shipments of lithium batteries and products containing them conform to international standards established by the International Civil Aviation Organization (ICAO). Harmonization of these regulations will enhance safety and minimize the harsh economic consequences and other burdens of complying with multiple or inconsistent requirements for transporting our products to and from the U.S. For these reasons, we also strongly oppose the Filner Amendment, which would prevent harmonization.

Over 81% of laptops, 67% of cellular phones and 69% of the lithium batteries used to power these devices that are sold in the U.S. are shipped by air into the U.S. All told, billions of lithium and lithium battery-containing products are shipped safely every year. In fact, there has not been a reported incident in transportation involving such a battery or battery-powered product that was packaged in accordance with the ICAO regulations.

These batteries and products containing them are used in various forms in nearly every aspect of our lives. We depend on them in our jobs, personal lives, and for life-saving medical procedures. Moreover, the U.S. military uses a significant number of lithium battery-powered products to train soldiers at home and in battlefield operations abroad. Some everyday use products that contain lithium batteries include laptops, cellular phones, portable music/video devices, navigation/GPS systems, cameras, smoke/security alarms and power tools. In addition, a number of life-saving and life-enhancing medical devices are powered by these batteries such as pacemakers, defibrillators, spinal cord stimulators, portable oxygen concentrators and blood glucose monitors.

Unfortunately, the Department of Transportation (DOT) has published a proposed rulemaking that would require consumer-type lithium batteries and products containing them to be shipped as fully-regulated hazardous materials when shipped by air as cargo. We also understand DOT has drafted a second lithium battery rulemaking that may be published later this year. Our coalition believes that DOT's proposed rule on lithium batteries far exceeds what is necessary to achieve safety benefits and will impose drastic costs on consumers, retailers, and manufacturers of batteries, electronic equipment and medical devices. If DOT is allowed to move forward with their rulemakings, the following consequences would likely ensue:

$1.1 billion impact on industry in the first year of implementation

Advantage foreign businesses over U.S. businesses

Delays in shipping lithium batteries and equipment needed by our military

U.S. consumers will be forced to pay higher prices for consumer electronics and countless other devices that rely on safe lithium batteries for their power source

Severe supply chain disruptions and delays as well as untold job loss

Delays in shipping life-saving medical equipment and increased medical costs

Re-routing of trade to other countries to avoid complying with onerous new U.S. regulations

Create safety concerns regarding confusion over which rules apply when shipping lithium battery products

As our nation works to climb out of an economic downturn, these anticipated consequences are unacceptable for manufacturers, technology innovators, retailers, medical-device manufacturers, air carriers and other impacted industries. The solution, and the best way to promote safety, is to harmonize U.S. regulations with the ICAO regulations. Again, we urge you to support the Mica Manager's Amendment to H.R. 658 and oppose the Filner Amendment's attempt to prevent harmonization.

AdvaMed, Airforwarders Association, Air Transport Association, Association of Home Appliance Manufacturers, AT&T, Boston Scientific, Cargo Airline Association, Consumer Electronics Association, Consumer Electronics Retailers Coalition, CTIA—The Wireless Association, Dangerous Goods Advisory Council, DHL, Express Association of America, FedEx Corporation, Garmin, Hewlett-Packard, International Air Transport Association.

Information Technology Industry Council, Johnson Controls, Motorola Mobility, Motorola Solutions, National Association of Manufacturers, National Electrical Manufacturers Association, National Retail Federation, Power Tool Institute, PRBA—The Rechargeable Battery Association, Retail Industry Leaders Association, Samsung SDI, Security Industry Association, Sony, UPS, U.S. Chamber of Commerce, The International Air Cargo Association.

Mr. GINGREY of Georgia. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. ROKITA).

The Acting CHAIR. The gentleman from Indiana is recognized for 2¼ minutes.

Mr. ROKITA. Mr. Chairman, I would like to thank the gentleman from Georgia, Dr. GINGREY, for yielding me the time.

The highest honor and privilege of my professional career so far has, with all due respect, not been in this Chamber but was the 8 years that I served as Indiana's secretary of State. I have run a government agency. We run it on 1987 dollars, unadjusted for inflation. The secretary of State's office in Indiana right now spends no more money than it did in 1987—again, unadjusted for inflation. We had no more employees than we did in 1982. From that experience, I can say the worst thing you can do for government efficiency, if you really are interested in serving the people, is to have your employees distracted by anything else but the people's business.

The scope of this problem at the Federal level I find absolutely stunning. According to the Office of Policy Management, in 2008 the Federal workers

were paid 2.9 million hours spent on union business. Let me say that again. We pay, as American taxpayers, for 2.9 million hours of union negotiations. That means we have spent $120 million for people to negotiate for a different or better job, not for them to even do their actual job.

Certain union representatives at the FAA are allowed to spend 80 hours each pay period doing union business, not the work of the people of this Nation. Last time I checked, that's 2-weeks' worth of work the entire pay period. So a union representative could spend each year being paid by the taxpayers and only working on union business. How is that fair to the American taxpayers, Mr. Chairman, who are footing this bill? This must stop.

In case the Members here haven't heard, this country is broke. We are borrowing money at a record pace and assigning the bill to our children and grandchildren, Mr. Chairman. We simply cannot continue to waste taxpayer dollars on work that benefits only a chosen few.

Please support this amendment, I urge my colleagues. Put money back into the pockets of American families, and let union negotiators work on their own time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment, and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. COSTELLO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–46 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. MICA of Florida.

Amendment No. 7 by Mr. GARRETT of New Jersey.

Amendment No. 9 by Mr. DEFAZIO of Oregon.

Amendment No. 10 by Ms. HIRONO of Hawaii.

Amendment No. 17 by Mr. CAPUANO of Massachusetts.

Amendment No. 18 by Mr. GINGREY of Georgia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. MICA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 168, not voting 13, as follows:

[Roll No. 207]

AYES—251

Adams	Gosar	Noem
Aderholt	Gowdy	Nugent
Akin	Granger	Nunes
Alexander	Graves (GA)	Nunnelee
Amash	Graves (MO)	Olson
Austria	Griffin (AR)	Palazzo
Bachmann	Griffith (VA)	Paul
Bachus	Grimm	Paulsen
Barletta	Guinta	Pearce
Bartlett	Guthrie	Pence
Bass (NH)	Hall	Peterson
Benishek	Hanna	Petri
Berg	Harper	Pitts
Biggert	Harris	Platts
Bilbray	Hartzler	Poe (TX)
Bilirakis	Hastings (WA)	Polis
Bishop (UT)	Hayworth	Pompeo
Black	Heck	Posey
Blackburn	Heller	Price (GA)
Bonner	Hensarling	Quayle
Bono Mack	Herger	Reed
Boren	Herrera Beutler	Rehberg
Boustany	Huelskamp	Reichert
Brady (TX)	Huizenga (MI)	Renacci
Brooks	Hultgren	Ribble
Broun (GA)	Hunter	Rigell
Buchanan	Hurt	Rivera
Bucshon	Issa	Roby
Buerkle	Jenkins	Roe (TN)
Burgess	Johnson (IL)	Rogers (AL)
Calvert	Johnson (OH)	Rogers (KY)
Camp	Johnson, Sam	Rogers (MI)
Canseco	Jones	Rohrabacher
Cantor	Jordan	Rokita
Capito	Kelly	Rooney
Carter	King (IA)	Ros-Lehtinen
Cassidy	King (NY)	Roskam
Chabot	Kingston	Ross (AR)
Chaffetz	Kinzinger (IL)	Ross (FL)
Chandler	Kissell	Royce
Coble	Kline	Runyan
Coffman (CO)	Labrador	Ruppersberger
Cohen	Lamborn	Ryan (WI)
Cole	Lance	Scalise
Conaway	Landry	Schilling
Cravaack	Lankford	Schmidt
Crawford	Latham	Schock
Crenshaw	LaTourette	Schrader
Cuellar	Latta	Schweikert
Culberson	Lewis (CA)	Scott (SC)
Davis (KY)	Lipinski	Scott, Austin
Denham	LoBiondo	Scott, David
Dent	Long	Sensenbrenner
DesJarlais	Lucas	Sessions
Diaz-Balart	Luetkemeyer	Shimkus
Dold	Lummis	Shuler
Donnelly (IN)	Lungren, Daniel E.	Shuster
Dreier	Mack	Simpson
Duffy	Manzullo	Smith (NE)
Duncan (SC)	Marchant	Smith (NJ)
Duncan (TN)	Marino	Smith (TX)
Ellmers	McCarthy (CA)	Southerland
Emerson	McCaul	Stearns
Farenthold	McClintock	Stivers
Fincher	McCotter	Stutzman
Fitzpatrick	McHenry	Sullivan
Flake	McIntyre	Terry
Fleischmann	McKeon	Thompson (PA)
Fleming	McKinley	Thornberry
Flores	McMorris Rodgers	Tiberi
Forbes	Meehan	Tipton
Fortenberry	Meeks	Turner
Foxx	Mica	Upton
Franks (AZ)	Miller (FL)	Walberg
Gallegly	Miller (MI)	Walden
Gardner	Miller, Gary	Walsh (IL)
Garrett	Mulvaney	Webster
Gibbs	Murphy (PA)	West
Gibson	Myrick	Westmoreland
Gingrey (GA)	Neugebauer	Whitfield
Gohmert	Noem	Wilson (SC)
Goodlatte	Nugent	Wittman
Gosar	Nunes	Wolf
Gowdy	Nunnelee	Womack
Granger	Olson	Woodall
Graves (GA)	Palazzo	Yoder
Graves (MO)	Paul	Young (AK)
Griffin (AR)	Paulsen	Young (FL)
Griffith (VA)	Pearce	Young (IN)
Grimm	Pence	
Guinta	Peterson	
Guthrie	Petri	
Hall	Pitts	
Hanna	Platts	
Harper	Poe (TX)	
Harris	Polis	
Hartzler	Pompeo	
Hastings (WA)	Posey	
Hayworth	Price (GA)	
Heck	Quayle	
Heller	Reed	
Hensarling	Rehberg	
Herger	Reichert	
Herrera Beutler	Renacci	
Huelskamp	Ribble	
Huizenga (MI)	Rigell	
Hultgren	Rivera	
Hunter	Roby	
Hurt	Roe (TN)	
Issa	Rogers (AL)	
Jenkins	Rogers (KY)	
Johnson (IL)	Rogers (MI)	
Johnson (OH)	Rohrabacher	
Johnson, Sam	Rokita	
Jones	Rooney	
Jordan	Ros-Lehtinen	
Kelly	Roskam	
King (IA)	Ross (AR)	
King (NY)	Ross (FL)	
Kingston	Royce	
Kinzinger (IL)	Runyan	
Kissell	Ruppersberger	
Kline	Ryan (WI)	
Labrador	Scalise	
Lamborn	Schilling	
Lance	Schmidt	
Landry	Schock	
Lankford	Schrader	
Latham	Schweikert	
LaTourette	Scott (SC)	
Latta	Scott, Austin	
Lewis (CA)	Scott, David	
Lipinski	Sensenbrenner	
LoBiondo	Sessions	
Long	Shimkus	
Lucas	Shuler	
Luetkemeyer	Shuster	
Lummis	Simpson	
Lungren, Daniel E.	Smith (NE)	
Mack	Smith (NJ)	
Manzullo	Smith (TX)	
Marchant	Southerland	
Marino	Stearns	
McCarthy (CA)	Stivers	
McCaul	Stutzman	
McClintock	Sullivan	
McCotter	Terry	
McHenry	Thompson (PA)	
McIntyre	Thornberry	
McKeon	Tiberi	
McKinley	Tipton	
McMorris Rodgers	Turner	
Meehan	Upton	
Meeks	Walberg	
Mica	Walden	
Miller (FL)	Walsh (IL)	
Miller (MI)	Webster	
Miller, Gary	West	
Mulvaney	Westmoreland	
Murphy (PA)	Whitfield	
Myrick	Wilson (SC)	
Neugebauer	Wittman	

NOES—168

Ackerman	Frank (MA)	Nadler
Altmire	Fudge	Napolitano
Andrews	Garamendi	Neal
Baca	Gonzalez	Olver
Baldwin	Green, Al	Owens
Barrow	Green, Gene	Pallone
Bass (CA)	Grijalva	Pascrell
Becerra	Gutierrez	Pastor (AZ)
Berkley	Hanabusa	Payne
Berman	Hastings (FL)	Peters
Bishop (GA)	Heinrich	Pingree (ME)
Bishop (NY)	Higgins	Price (NC)
Blumenauer	Himes	Quigley
Boswell	Hinchey	Rahall
Brady (PA)	Hinojosa	Rangel
Braley (IA)	Hirono	Reyes
Brown (FL)	Holden	Richardson
Butterfield	Holt	Rothman (NJ)
Capps	Honda	Roybal-Allard
Capuano	Hoyer	Rush
Cardoza	Inslee	Ryan (OH)
Carnahan	Israel	Sánchez, Linda T.
Carney	Jackson (IL)	Sanchez, Loretta
Carson (IN)	Jackson Lee (TX)	Sarbanes
Castor (FL)	Johnson (GA)	Schakowsky
Chu	Johnson, E. B.	Schiff
Cicilline	Kaptur	Schwartz
Clarke (MI)	Keating	Scott (VA)
Clarke (NY)	Kildee	Serrano
Clay	Kind	Sewell
Cleaver	Kucinich	Sherman
Clyburn	Langevin	Sires
Connolly (VA)	Larsen (WA)	Slaughter
Conyers	Larson (CT)	Smith (WA)
Cooper	Lee (CA)	Speier
Costa	Levin	Stark
Costello	Lewis (GA)	Sutton
Courtney	Loebsack	Thompson (CA)
Critz	Lofgren, Zoe	Thompson (MS)
Crowley	Lowey	Tierney
Cummings	Luján	Tonko
Davis (CA)	Lynch	Towns
Davis (IL)	Maloney	Tsongas
DeFazio	Markey	Van Hollen
DeGette	Matheson	Velázquez
DeLauro	Matsui	Visclosky
Deutch	McCarthy (NY)	Walz (MN)
Dicks	McCollum	Wasserman Schultz
Dingell	McDermott	Waters
Doggett	McGovern	Watt
Doyle	McNerney	Waxman
Edwards	Michaud	Weiner
Ellison	Miller (NC)	Welch
Engel	Miller, George	Woolsey
Eshoo	Moore	Wu
Farr	Murphy (CT)	
Filner		

NOT VOTING—13

Barton (TX)	Gerlach	Richmond
Burton (IN)	Giffords	Wilson (FL)
Campbell	Moran	Yarmuth
Fattah	Pelosi	
Frelinghuysen	Perlmutter	

□ 1848

Ms. ZOE LOFGREN of California and Mr. HOLDEN changed their vote from ''aye'' to ''no.''

Messrs. POLIS and ROSS of Arkansas changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. WILSON of Florida. Mr. Chair, on rollcall No. 207, had I been present, I would have voted ''no.''

AMENDMENT NO. 7 OFFERED BY MR. GARRETT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 303, not voting 9, as follows:

[Roll No. 208]

AYES—120

Altmire
Andrews
Baca
Baldwin
Bartlett
Bass (CA)
Becerra
Berman
Boren
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carney
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Coffman (CO)
Connolly (VA)
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dingell
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Garrett
Gibson
Gohmert
Gonzalez
Grijalva
Gutierrez
Hanabusa
Harris
Hayworth
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jordan
Kaptur
Keating
Kildee
Kind
King (IA)
Kissell
Kucinich
Lance
Langevin
Larson (CT)
Lee (CA)
Lofgren, Zoe
Luján
Lynch
Matsui
McCarthy (CA)
McCarthy (NY)
McCotter
McDermott
McNerney
Meehan
Miller (NC)
Miller, George
Mulvaney
Murphy (CT)
Nunes
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Peters
Pingree (ME)
Pitts
Polis
Reyes
Ribble
Roskam
Rothman (NJ)
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schweikert
Scott (VA)
Sewell
Sires
Slaughter
Speier
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walsh (IL)
Watt
Wilson (FL)
Woolsey
Wu

NOES—303

Ackerman
Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
McCaul
McClintock
McCollum
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunnelee
Olson
Olver
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Rush
Ryan (OH)
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Barton (TX)
Burton (IN)
Campbell
Fattah
Frelinghuysen
Gerlach
Giffords
Pelosi
Richmond

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Thirty seconds remain in this vote.

□ 1856

Mrs. NAPOLITANO, Ms. BROWN of Florida, Ms. RICHARDSON, and Messrs. RANGEL, WAXMAN, and RUSH changed their vote from ''aye'' to ''no.''

Ms. SLAUGHTER and Mr. CICILLINE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MARKEY. Mr. Chair, during rollcall vote number 208 on H.R. 658, on the Garrett of NJ amendment, I mistakenly recorded my vote as "no" when I should have voted "yes."

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 8, as follows:

[Roll No. 209]

AYES—161

Ackerman
Altmire
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards
Ellison
Engel
Eshoo
Filner
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lynch
Mack
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McCotter
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Wu

NOES—263

Adams
Aderholt
Akin
Alexander
Amash
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz

Chandler
Clay
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Watt
Webster
Weiner
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Barton (TX)
Burton (IN)
Campbell
Fattah
Frelinghuysen
Gerlach
Giffords
Richmond

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining in this vote.

□ 1900

Messrs. RUSH and CONYERS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MS. HIRONO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 241, not voting 17, as follows:

[ROLL NO. 210]

AYES—174

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller, George
Moore
Moran
Murphy (CT)
Myrick
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—241

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—17

Barton (TX)
Berg
Bishop (GA)
Brady (TX)
Burton (IN)
Campbell
Fattah
Frelinghuysen
Gerlach
Giffords
Herrera Beutler
Kinzinger (IL)
Rangel
Richmond
Rooney
Sánchez, Linda T.
Waxman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining in this vote.

□ 1903

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. CAPUANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 235, not voting 10, as follows:

[Roll No. 211]

AYES—187

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Shuler
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (FL)
Wittman
Woolsey
Wu
Yarmuth
Young (IN)

NOES—235

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)

NOT VOTING—10

Barton (TX)
Burton (IN)
Campbell
Fattah
Frelinghuysen
Gerlach
Giffords
Gosar
Myrick
Richmond

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining in this vote.

□ 1907

Mr. BOREN changed his vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. GINGREY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 227, not voting 10, as follows:

[Roll No. 212]

AYES—195

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Bartlett
Benishek
Berg
Bilbray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crenshaw
Cuellar
Culberson
Denham
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Price (GA)
Quayle
Reed
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—227

Ackerman
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)

Conyers
Cooper
Costa
Costello
Courtney
Crawford
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gibbs
Gibson
Gonzalez
Graves (MO)
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Posey
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Renacci
Reyes
Richardson
Rivera
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—10

Barton (TX)
Bishop (UT)
Burton (IN)
Campbell
Fattah
Frelinghuysen
Gerlach
Giffords
Myrick
Richmond

□ 1911

Mr. CHABOT and Ms. HERRERA BEUTLER changed their vote from ''no'' to ''aye.''

So amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Chair, I was unavoidably detained during the last series of rollcall votes. Had I been here, I would have voted "yea" on rollcall vote 207 (Mica Amendment); "nay" on rollcall vote 208 (Garrett Amendment); "nay" on rollcall vote 209 (DeFazio Amendment); "nay" on rollcall vote 210 (Hirono Amendment); "nay" on rollcall vote 211 (Capuano Amendment); and "aye" on rollcall vote 212 (Gingrey Amendment).

Mr. WOODALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLEISCHMANN) having assumed the chair, Mr. SIMPSON, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration 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, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1255, GOVERNMENT SHUTDOWN PREVENTION ACT OF 2011

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112–49) on the resolution (H. Res. 194) providing for consideration of the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1081

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that the gentlewoman from North Carolina (Mrs. ELLMERS) be removed as a cosponsor from H.R. 1081.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 910, ENERGY TAX PREVENTION ACT OF 2011

(Mr. WOODALL asked and was given permission to address the House for 1 minute.)

Mr. WOODALL. Mr. Speaker, the Committee on Rules is scheduled to meet the week of April 4 to grant a rule, which could limit the amendment process for floor consideration of H.R. 910, the Energy Tax Prevention Act of 2011.

Any Member wishing to offer an amendment must submit an electronic copy of the amendment and a description via the Rules Committee's Web site. Members must also submit 30 hard copies of the amendment, one copy of a brief explanation of the amendment, and an amendment log-in form to the Rules Committee in room H–312 of the Capitol by 10 a.m. on Tuesday, April 5, 2011. Both electronic and hard copies must be received by the date and time specified. Members should draft their amendments to the text of the bills as ordered reported by the Committee on Energy and Commerce, which are available on the Rules Committee Web site.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members should also check with the Office of the Parliamentarian, the Committee on the Budget, and the Congressional Budget Office to be certain their amendments comply with the rules of the House and the Congressional Budget Act.

If Members have any questions, Mr. Speaker, I would encourage Members to contact me or members of the Rules Committee staff.

FAA REAUTHORIZATION AND REFORM ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 658.

□ 1916

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further 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, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 18 printed in House Report 112–46, offered by the gentleman from Georgia (Mr. GINGREY), had been disposed of.

AMENDMENT NO. 19 OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 112–46.

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 234, after line 1, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 801. STATE TAXATION.

Section 40116(d)(2)(A)(iv) is amended to read as follows:

''(iv) levy or collect a tax, fee, or charge, first taking effect after the date of enactment of the FAA Reauthorization and Reform Act of 2011, upon any business located at a commercial service airport or operating as a permittee of such an airport other than a tax, fee, or charge that is—

''(I) generally imposed on sales or services by that jurisdiction; or

''(II) utilized for purposes specified under section 47107(b).''.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman

from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I would first like to start out by saying that I appreciate the Rules Committee making this amendment in order. And while I am going to withdraw the amendment, I think it's very important to talk about this because it's a very important aspect of the Interstate Commerce Act.

Just to give you a little bit of background, in 1994 when we were doing the FAA reauthorization bill, Congress recognized the importance of airports to interstate commerce and enacted legislation to prevent State and local governments from imposing discriminatory taxes on airport users to fund local projects unrelated to airport infrastructure improvement, maintenance, and operations.

However, for nearly 20 years, State and local governments have taken advantage of a loophole by applying the burden of the tax not only to airport users but all similar entities within that taxing jurisdiction. This has allowed State and local governments to completely circumvent the intent of Congress and levy discriminatory taxes against interstate travelers, in particular, rental car customers.

The intent of the 1994 law is very clear. Targeted taxes imposed at airports are to be used at airports for airport-related projects. We must not continue to allow State and local governments from circumventing these restrictions.

Right now, Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you, Mr. GRAVES. I appreciate your yielding time and I appreciate your bringing this amendment.

I rise in strong support of the concept in the amendment. Although I know it's going to be withdrawn, the concept is important, and we need to address this issue in this Congress.

This amendment would address the going crisis of discriminatory taxes placed on rental car transactions. I don't need to tell my colleagues how frustrating it is to go rent a car and see huge taxes on your bill, taxes put on your bill by legislative bodies that you don't get a right to vote on most of the time and that you don't get to vote on.

It's a simple thing for people to do. It's cheap taxes from State and local officials to let tourists pay their taxes for their sports arenas and other facilities. ''Don't tax me; don't tax thee; tax that guy behind that tree.'' That is not the kind of tax philosophy we should encourage, and we should make our State and local officials do taxation in the proper manner which is supposed to be with either property taxes or sales taxes or income taxes but not these types of taxes that discriminate. And my jurisdictions have done as well, but it doesn't make it right.

Rental car taxes target air travelers, but they also hurt low-income people who don't own cars and must rent instead. The 1994 FAA reauthorization bill included a provision to prevent taxes targeting air travelers to pay for projects that have nothing to do with air traffic. But State and local governments have exploited a loophole and raised billions of dollars through these taxes.

Since 1990, more than 117 discriminatory rental car excise taxes have been enacted in 43 States and the District of Columbia. I was in the Tennessee Legislature for 24 years, and we did our share. I tried to oppose some of them.

□ 1920

It's wrong and we need to act.

So I urge support for the amendment when it comes back up. I thank Congressman GRAVES for his work on the issues, and I look forward to working with him in the future to see this become a law in our Nation.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I do rise in opposition to the amendment.

Both the gentleman from Tennessee and the distinguished gentleman from Missouri have raised some excellent points about excessive fees that some of the unsuspecting renters are forced to pay sometimes.

When you rent a car, sometimes the fees look like more than the car rental; but many of the communities and airports are committed to building facilities. They make those decisions through elected local and State bodies, and we have to recognize some of their independence.

I appreciate the goal of the gentleman on this amendment. I believe he is going to withdraw it, but I do pledge to work with him to see how we can put in some limitations in the future that are reasonable and not impair the proper development and also take the burden off taxpayers for improvement that someone who comes in and rents a car experiences. A lot of local taxpayers end up footing some of the bill for the conveniences that are accorded some of these visitors and car renters. So we need to seek a proper balance, and I pledge to work with the gentlemen in that regard, both Mr. GRAVES and Mr. COHEN.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Missouri has 2 minutes remaining.

Mr. GRAVES of Missouri. Mr. Chairman, in closing, I want to thank the Rules Committee for making this amendment in order. I very much want to thank the chairman for his willingness to work with us on this issue in the future, and I look forward to that.

With that, Mr. Chairman, I withdraw my amendment.

The Acting CHAIR. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

AMENDMENT NO. 20 OFFERED BY MR. SESSIONS

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 112–46.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act''), with respect to any project or program funded under this Act (or amendment).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Thank you, Mr. Chairman.

My amendment would prevent any funding within the FAA Reauthorization and Reform Act of 2011 to be used to administer or enforce the Davis-Bacon wage rate requirements with respect to any project or program in the underlying text or any amendment adopted today.

Since the Davis-Bacon Act was signed into law in 1931, labor rates for government contracts have been inflated significantly, affecting the cost of administrative expenditures for those awarded projects. Unfortunately, the Davis-Bacon requirement has inadvertently caused the government to pass higher costs on to American taxpayers, often costing 5 to 38 percent more than the project would have cost in the private sector, according to the Associated Builders and Contractors. The Congressional Budget Office has stated that the Davis-Bacon Act has cost our government more than $9.5 billion from 2002 to 2011.

I say enough is enough. We must reevaluate and look at what we are doing that costs more money for the government and, ultimately, the taxpayers. We must stop passing this financial burden on the backs of hardworking American taxpayers. In this year alone, the Heritage Foundation has estimated that the Davis-Bacon Act will add more than $10.9 billion to our already burdensome national debt. The American people sent a strong message to Congress in the last election, that it was time to rein in out-of-control government spending. Congress can ensure their voices are heard by voting ''yes'' on this commonsense attempt today.

In 2009, the Public Policy Foundation of West Virginia released a study stating that as many as 1,500 construction jobs could have been created if these wage regulations were repealed or reformed to reflect actual market-based wages. During our current economic times, as tough as they are that this Nation is facing, we need to make sure that it is easier for the private sector to create jobs for the unemployed, not to hinder job growth.

Davis-Bacon requirements undercut and undermine the hard-earned work of small business owners because of the time-consuming and costly requirements of Davis-Bacon. Businesses have constantly expressed frustration over the difficulty of complying with the wage rules of Davis-Bacon. As a result, large and often unionized companies have been awarded more government contracts that come at a higher price to taxpayers.

I urge all of my colleagues to support this amendment, which ensures small and large businesses have the ability to compete for all government contracts while saving the American taxpayers tens of billions of dollars. Mr. Chairman, this is exactly what the American people want and need—a better deal in the marketplace.

I reserve the balance of my time.

Mr. RAHALL. I rise in vehement opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, here we go again.

The majority is continuing what started out in some of the States this year and has been going on with more vehemency in this body. They are continuing attacks on the collective bargaining rights of workers. They are continuing to blame the workers of this country for the economic ills.

I think it's worth noting that the gentleman from Texas just noted the trouble that people have had complying with Davis-Bacon over the years. It has been around since 1931 when two Republicans by the names of Davis and Bacon instituted the Davis-Bacon law.

Study after study has shown that, despite the opponents' claims, the Davis-Bacon Act has had little or no effect on the total cost of federally assisted construction projects. In fact, there is a study that shows that the high-wage States actually attract more productive, effective, highly skilled, and safe workers, making the cost per mile of highway construction actually cheaper in high-wage States than in low-wage States.

It's important to note as well that here we are in an economic recovery, and these Republican continued attacks on our workers of this country at a time when we are slowly, however slowly, pulling out of a recession and entering a recovery do not make any sense at all.

I would urge my colleagues to oppose this continued attack on the workers' rights of this country.

I yield the remainder of my time to the gentleman from Illinois (Mr. COSTELLO).

The Acting CHAIR. Without objection, the gentleman will control 3½ minutes.

There was no objection.

Mr. COSTELLO. I thank the ranking member for yielding.

Mr. Chairman, I rise in strong opposition to the amendment of my friend from Texas.

As Mr. RAHALL just stated, for nearly 80 years, the Davis-Bacon Act has guaranteed fairness in wages and conditions for Americans who serve the public good and perform public works for the Federal Government. At a time when so many Americans are out of work and under financial stress, this amendment would strip away workers' rights to just compensation for their labor that directly benefits all of us by keeping aviation infrastructure across the Nation working safely. Further, the amendment would likely make it difficult for FAA contractors to find skilled workers who have the expertise necessary to perform work on complicated safety-critical facilities and equipment.

Mr. Chairman, I urge my colleagues to vote ''no'' on the gentleman's amendment.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, at this time, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Chairman, it is just absolutely astonishing to me that my colleagues on the other side of this issue could stand up on the floor of this House and talk about jobs when the Davis-Bacon wages that they want to perpetuate, even though they've existed for lo these many years, take away so many jobs. I don't know the exact statistics; but Mr. Chairman, when you look at a jobs situation without Davis-Bacon rules, you're able to probably employ 1½ to 2 times as many people with good-paying, decent-paying jobs than jobs that pay them for their skill levels and what they're doing in the workplace, in not being forced to pay these much higher wages despite the job that it happens to be involved in.

□ 1930

I think we ought to be paying for whatever the skill labor is for that particular job, and if we didn't have these rules and regulations like Davis-Bacon, there would be a heck of a lot more jobs in this country. We can't afford to leave 16 million people on the sidewalk.

Mr. COSTELLO. I continue to reserve the balance of my time.

Mr. SESSIONS. I yield myself the balance of my time.

Mr. Chairman, the gentleman from Georgia is correct. On an average, this Davis-Bacon wage requirement costs an average of 22 percent above market wages. That means that the Davis-Bacon act costs 22 percent or more on costs for getting projects done, which means fewer projects can get done, which hampers the ability that we have, local governments have to ensure that contractors and work is done across this country.

This amendment saves taxpayers millions of dollars—we heard perhaps a billion. It allows for more competition, and I ask my colleagues to support the amendment.

I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman, at this time, I yield the balance of my time to the ranking member of the full committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I guess this is part of the mantra of the majority on this particular bill: do more with less, when actually what we're doing is less with less, because there would be less wages paid to our American workers if this amendment were to be adopted, and there would be less safety provided to our American workers. There would be less health care coverage provided, less pension care coverage, less efficient, less highly skilled workers if this gentleman's amendment is adopted.

So I conclude by urging all of our colleagues to oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 21 OFFERED BY MR. LATOURETTE

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 112–46.

Mr. LATOURETTE. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 259, strike line 21 and all that follows through line 2 on page 260 (and conform the table of contents accordingly).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Ohio (Mr. LATOURETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATOURETTE. Mr. Chairman, before I begin my remarks, I ask unanimous consent that 2 minutes of my 5 minutes be yielded to and controlled by the distinguished ranking member of the subcommittee, the gentleman from Illinois, to yield time as he should see fit.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. I'm going to be brief in this opening.

Let me just make this observation. This is the 17th extension, I believe, of the FAA bill. We haven't had an FAA bill since 2003, and this is going to take it to two more years because the President said he won't sign this bill unless this amendment is adopted. The Senate has declared this a nonstarter; and so if we want to give fancy speeches, and for those just tuning in around the country, welcome to whack the union night because this will be a fourth, fifth anti-union vote that has nothing to do with the aviation system.

Even on the last amendment, I've got to tell you, you can't say it costs jobs and increases costs at the same time. If you hire the same amount of workers before Davis-Bacon and hire two times as many workers, well, the project is going to cost the same. So it's that kind of circular argument that's leading this circular firing squad.

It's a good amendment. I urge its adoption.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I agree with the points made by my friend from Ohio.

The National Mediation Board made the right decision, incidentally, at the request of 191 Members of Congress, both Democrats and Republicans, after holding many hearings. In the words of Congresswoman CANDICE MILLER: ''This is not a pro-union or anti-union vote. This is about fairness.''

I urge a ''yes'' vote.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Unfortunately, I have to strongly disagree with my good friends and colleagues, the gentleman from Ohio and the gentleman from Illinois, on this amendment.

What's proposed as fairness is really probably the height of unfairness. We've had 75 years of rule and law in which to organize. In the transportation sector, you had to have a majority of all of the individuals that worked there, all the people that would be potential members, and a majority of those folks would have to vote in the union, and I have no problem with union representation. The President packed the board of the National Mediation Board, and on a 2–1 vote, they changed 75 years of ruling.

Now, what's particularly unfair, and the dirty little secret in all this is, they didn't change it to decertify to shed the union. They left it so you still have to have all majority plus one of all of the members. So this is not fair by any means. We should allow unionization. We should allow votes of it; but for those again who are affected who have to pay the dues, who have to abide by the union rules and regulations that they set, it's not fair.

So I wish this was crafted in a different way for fairness, but it's not. So, again, they upset 75 years in which it worked very well. In fact, they told me today that under the 75 years, you had a larger number than most recent votes under this rule. I think it's 50 percent to 70 percent, something like that. So, if you really want to favor unionization in a fair way, let's have it the way it worked for many years and oppose this amendment.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I yield myself 15 seconds just to say this is a good example of what's going on here. The last amendment was going to repeal Davis-Bacon that's been around for 80 years, but 80 years is okay, 75 years isn't. That doesn't even make sense in this debate or anywhere else in America.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield the balance of my time to the ranking member, Mr. RAHALL.

The Acting CHAIR. The gentleman from West Virginia is recognized for 1½ minutes.

Mr. RAHALL. Mr. Chairman, it's very clear that the other body would not accept this amendment if the bill goes over to them with this in it. It's clear that the President of the United States would not accept this bill with the current language because he has already said he will veto it if it comes to his desk in this way.

So I guess the proponents of this particular provision are just wanting to continue to pass extension after extension, thereby threatening airport improvement, threatening to halt airport construction, just as they're threatening to shut down our government.

It's not about unions. It's not about increasing union representation. It's about fairness. It's about what's right for the American worker. That's all we're talking about in this particular amendment.

Mr. Chair, this amendment is about what's right for American workers.

Section 903 of the bill repeals a rule of the National Mediation Board, which is the law of the land, that was finalized to provide for fair and democratic union elections among airline and railroad workers.

The rule has not opened the floodgates to unionization. But it has made union elections fair.

Under the prior rule—the rule that would be reinstated by this bill—a majority of all eligible voters had to vote in favor of a union, in order .for that union to be certified by the National Mediation Board as their representative. That was undemocratic and unfair.

The current rule requires the mediation board to count ballots according to those who actually voted. The majority rules. That is a precept of our democracy, and it should control in union elections just like it controls in any other election.

The National Mediation Board's rule is right, and I urge my colleagues to support this amendment to keep it the law of the land.

I would yield the balance of my time to the gentleman from California (Mr. MILLER).

The Acting CHAIR. The gentleman from California is recognized for 45 seconds.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

I rise in strong support of this amendment. This amendment really restores democracy to the American workplace, and it restores the American principle of majority vote and majority rule. The decision by the National Mediation Board to begin recognizing election results based upon who actually votes in the election is correct and a long time coming.

It was a fair and open process that included a 60-day comment period and public hearing with 34 witnesses, and their actions were upheld in court.

Think of this in our committee. Our rules are a majority of those present and voting. No committee in this Congress would operate under these rules because they would not be able to prevail on any of the votes because people could just stay away and they would be counted ''no.''

No PTA would operate under these rules. They may have a very large membership. So we ought to restore democracy, protect American workers and vote for this amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MICA. I am pleased to yield 1 minute to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, I thank the chairman of T&I for yielding to me.

The language in the bill gets it exactly right, and I rise in strong opposition to this striking amendment. The National Mediation Board, three political appointees in a 2–1 decision a year ago, undid 75 years of law, Railway Labor Act, that simply says that to certify a union, 50 percent plus one of the group has to vote in favor of it.

□ 1940

And as the chairman said, the decertification part is a much higher bar. So it has to be a majority plus one to decertify. That is totally wrong. The bill has it right. Vote against this striking amendment, and vote for fairness and for the American people.

The Acting CHAIR. The gentleman from Ohio has 1¾ minutes remaining. The gentleman from Florida has 1½ minutes remaining. The time of the gentleman from Illinois has expired.

Mr. MICA. I would be pleased to yield 1 minute to the gentleman from Wisconsin (Mr. PETRI), the distinguished chair of the Aviation Subcommittee.

Mr. PETRI. I thank my colleague for yielding.

I am just sitting here, listening to this debate and people talking about fairness and 75 years. I did a little math, and 75 years ago, the Railway Labor Act was enacted by a very heavily Democratic Congress in the Franklin D. Roosevelt administration. And now we are told that they were unfair and unkind, and so on, to organized

labor. This is something that was passed by the Congress. The law, the National Labor Relations Act, has always—until now, for 75 years—been interpreted to mean that a majority of those affected had to vote to certify a union.

I think if we want to change it, if our sense of what's fair has changed over the last 75 years—and it has in other areas—it should be done by an act of Congress and not by the National Labor Relations Board and the National Mediation Board in this fashion. It clearly upsets the balance that was struck and has served us well for several generations.

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I may consume.

When people read this record, they really need to know what this amendment is about and what we are talking about. What we are talking about is that the rule that the Mica bill repeals is that if you have 100 people who work for a company and you have an election and 70 of them show up and 65 of them vote to certify a union, the union loses because you don't get 50 plus the universe.

Now in our example, Members of Congress, where voter turnout was about 45 percent in the last election, I have got 200,000 registered voters in my district, and 100,000 show up, I get 70,000. I'm having champagne. You know, This is great, Honey. We won another one. We fooled them again. Well, I would lose 130,000–70,000 because the rule that has been in place since 1935—and again, I am saddened that folks—maybe you have to have an even number to be bad law. But good law is, you know, something that is only 75 years. That's just nuts. I mean, that is crazy.

And I will steal from my friend from Illinois (Mr. COSTELLO) who is the cosponsor of this amendment. You know, when the Constitution was framed, who could vote in this country? White guys who owned land. And if you asked them 75 years later, they may have said, Man, I can't believe they changed that. It's unbelievable. Or how about women? Another 100 years, women couldn't vote in this country. If you asked some guys today, they may say, The country really got screwed up when you gave women the right to vote. That is a non sequitur. It's a false argument, and the best proof is right here in this House of Representatives.

When the old majority was on their way out—and we all know they didn't do anything—we needed to pass a continuing resolution to keep the government open until March 4. Well, you know what, 75 of our Members went home for Christmas. So that CR, to keep the government open, passed 193–165. If the Mica rule is kept in place, the government would have shut down, and we would have lost that vote 193–240.

Please pass the amendment.

Mr. MICA. In closing, the President has threatened to veto this legislation because of the provision that we have. I can see why, because he packed the board. He packed the board. And on a 2–1 vote they overwrote a provision that was put in by FDR, confirmed by Truman and Carter and others. And then we heard that this is an assault on democracy. Well, folks, have you ever seen one-way democracy so the vote going in is fixed, but the vote going out is left the same? Please, folks, this is not the case. I urge a ''no'' vote on this amendment.

Ms. HIRONO. Mr. Chair, I rise today in support of the bipartisan LaTourette-Costello amendment to keep democratic voting rights for air and rail workers.

I see the current provision in the FAA Reauthorization Bill as reflecting an anti-worker agenda that abandons our most basic democratic principles. Without this amendment, the FAA bill would count workers who choose not to vote in a union election as a no vote on union representation.

Each member of the House of Representatives got here through a fair and democratic election. In November, our states counted the votes for us and compared it to the votes for other candidates. Those with the most votes in November are Members of Congress today. If we needed to win a majority or plurality of all eligible voters—including nonvoters—none of us would be here today!

I know that not all members of the House support workers' right to organize, but I would hope we all respect the democratic process. I applaud this bipartisan amendment and thank its sponsors, Mr. LATOURETTE and Mr. COSTELLO. I urge all my colleagues to support the amendment.

Mr. KUCINICH. Mr. Chair, I rise in strong support of the amendment offered by Representatives LATOURETTE and COSTELLO, which would strike section 903 of the underlying bill. This amendment removes language from the legislation which is unnecessary and destructive, and if it is not removed, would represent a continuation of the sustained attack on employee unions—and by extension, the Middle and Working class—that has been taking place in America. If the language of section 903 passes into law as currently written, it would mean that any railroad or airline worker who does NOT vote in a union representation election would automatically be counted as having voted AGAINST the union. This is an absurd and capricious notion.

Last year the National Mediation Board adopted a rule which corrected a flawed implementation of the Railway Labor Act that would have allowed this absurd voting practice. The National Mediation Board rule change ensured that airline and railworker union elections would be subject to the very same democratic principles used in other American elections, by requiring that only the ballots of those who vote be counted. But section 903 of the FAA reauthorization bill repeals the National Mediation Board rule, and for that reason it must be struck.

I strongly urge my colleagues to join me in supporting the LaTourette-Costello amendment and reject the backward language of section 903.

Ms. SCHAKOWSKY. Mr. Chair, I rise today in strong support of Amendment #21, the Latourette-Costello. I support this amendment because the bill we are considering today, the FAA Reauthorization and Reform Act of 2011, contains a provision that would undermine the ability of aviation and rail workers to hold fair elections for union representation.

Last year, the National Mediation Board implemented a new rule that certifies a union as being representative of airline or railroad workers if a majority of ballots cast were in favor of the union. This was a major victory for workers, making collective bargaining rights more accessible for the first time in our nation's history. The bill before us today, H.R. 658, would eliminate that tremendous step forward by reverting to the old system which required that any eligible worker who did not vote in an election, for whatever reason, be regarded as voting against union representation. That is not the way elections for Congress are decided, it should be the way union representation is decided.

That policy was out of step with our nation's Democratic principles and if it is reinstituted will make it harder for workers to protect themselves through collective bargaining, ultimately leaving many workers without rights. Collective bargaining rights give workers a voice at work—a voice that is not just able to argue for fair compensation and benefits, but for safer workplaces and practices. Passengers have a strong interest in making sure that workers are able to raise those concerns. With this provision, the Republican Party once again is engaging in union-busting. I urge all of my colleagues to support the LaTourrette-Costello amendment.

Ms. SLAUGHTER. Mr. Chair, I come to the Floor today to stand in strong bipartisan support of Mr. LATOURETTE's and Mr. COSTELLO's proposed amendment.

At this time of extreme economic hardship for American workers across our country, it is vital that we, as their voice in Congress, defend their rights to unionize and advocate for a workplace that works for them.

In recent weeks, workers from Wisconsin to Florida have been engaged in valiant efforts to defend their right to unionize, and collectively bargain for a better future. Workers have stood up across America calling for a more equal and more just American workplace.

Their calls come at a dark time in our country. At no point in our history have incomes been so unequal—not even during America's so-called ''Gilded Age.'' Over the last 30 years, the American worker has been knocked down, and worn out, as she tries harder and harder to make diminishing ends meet.

As currently written, today's bill continues to take from the middle class, when they can afford it the least.

The amendment being considered is a commonsense protection provided to the middle and working class. Mr. LATOURETTE and Mr. COSTELLO's amendment does nothing radical; indeed it preserves the status quo. Yet their amendment shows that there are still some members in both parties who are willing to stand for the middle and working class, and work for a better future.

I urge my colleagues to stand with the middle class, and support Mr. LATOURETTE and Mr. COSTELLO's amendment—for the benefit of the American worker, and the hope of a renewed American middle class.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MICA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 112–46.

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. TERMINATION OF CERTAIN RESTRICTIONS FOR BURKE LAKEFRONT AIRPORT.

Notwithstanding section 521 of title V of division F of Public Law 108–199 (118 Stat. 343) and any restriction in Federal Aviation Administration Flight Data Center Notice to Airmen 9/5151, the Administrator of the Federal Aviation Administration may not prohibit or impose airspace restrictions with respect to an air show or other aerial event located at the Burke Lakefront Airport in Cleveland, Ohio, due to an event at a stadium or other venue occurring at the same time, except that the Administrator may prohibit any aircraft from flying directly over the applicable stadium or other venue.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, this is an amendment which deals with a TFR, a temporary flight restriction, that complicates things at the air show in Cleveland. There are actually several air shows that this is a problem with, but the Cleveland Air Show happens to be the worst one.

The reason I am doing it is because I do a lot of air shows and fly in a lot of air shows, and I am intimately familiar with how the TFRs work. The problem we've had in the past is when the Cleveland Indians play at Jacobs Field, there is a stadium TFR right now, which is a temporary flight restriction for any stadium with a game going on, whether it's football, baseball, whatever. That TFR is 3½ miles in radius and 3,000-feet deep.

Well, with the airport so close to the stadium, if there is a rain-delay game that is postponed and rescheduled and you have the air show in Cleveland, which is one of the most historic air shows around the country, it completely eliminates that air show. The irony is that the stadium there, the Cleveland Indians' stadium, only seats 43,000 people; and there are 90,000 people at the air show. So it creates a problem.

What I am trying to do is clarify and allow the air show to go on when there is a game going on. Now, here is the irony. This is the most important part. There is what we call an air show TFR, temporary flight restriction. It's more restrictive than a stadium TFR. In fact, an air show flight restriction is 5 miles in radius, and it's 12,000-feet deep. It completely encompasses the stadium TFR. So if there is a game going on at the same time as an air show, they are still going to be completely protected, and it is going to be completely encompassed within that TFR, and they can both proceed. If, for some reason, the air show ends early and the game is still going on, then it will immediately revert back to the stadium TFR, and everybody is happy, and we move forward. There is never a single point in time when there is no protection over that stadium. It has always been a problem, and we are just trying to clarify so the people of Cleveland can continue to do the air show.

Mr. PETRI. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from Wisconsin.

Mr. PETRI. We have reviewed the amendment on this side. We feel it is a limited and well-reasoned exception to the rule. Therefore, I would support the amendment and urge a ''yes'' vote.

Mr. GRAVES of Missouri. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I don't know whether I am in opposition or not, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman very much. As a Congressman from the Cleveland area, I want to thank the gentleman from Missouri (Mr. GRAVES) for pointing out the importance of making this change so that we can continue to have the air show at the same time that we have these major sporting events going on.

What most people may not understand, in Cleveland we have a lakefront airport that is a relatively short distance from our football stadium, and it's also not that far away from our baseball stadium. So it's important for this great event, which is the air show, to be able to get the cooperation from all Federal authorities so that we can proceed with it.

□ 1950

This is one of the major events of the end of summer in Cleveland. And we're very proud of the airshow. It's a Cleveland tradition that goes back many, many years. And I would hope to have the support of Members of both sides of the aisle.

And I want to thank my good friend for helping to take the initiative on this because I think this is something that, hopefully, we'll all be able to agree on.

Mr. GRAVES of Missouri. Mr. Chairman, again, I know there's a lot of confusion out there, and I hope there's staff listening and there are Members listening in their offices.

Again, the Cleveland Air Show, I fly a lot of air shows, and this is one of my favorite air shows. And it's an extraordinary aviation community because it used to be home to the Cleveland air races. And again, this never, at any time, lessens security one bit. In fact, it makes security stronger because the TFR around an airshow is even tighter than a normal TFR. It's bigger, it's deeper, and you can't even turn a prop without getting permission during an airshow while it's going on. So there will never ever be a time that this stadium is not underneath the TFR.

I'm not trying to pull the wool over anybody's eyes. I'm being straight up on this thing. It's a problem, and we need to fix it. So there's no reason why two events can't go on at the same time, if that ever is a problem. And it has been in the past. We just don't want it to be in the future.

Mr. RAHALL. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from West Virginia.

Mr. RAHALL. I'm just wondering if the gentleman has consulted with TSA or Department of Homeland Security or FBI, the various agencies that were concerned about safety at such sports events following 9/11 and for which many of the stadiums and sponsors of these sports events have instituted and spent millions of dollars in safety who have legitimate concerns that one attack may make it all for naught.

Mr. GRAVES of Missouri. We did not contact the FBI. But we did contact Homeland Security. Homeland Security did not get a response back to us. However, and I've provided to the ranking member of the Aviation Subcommittee the response from the FAA—they took no position. And we still leave that authority to them. They can still, if they think it needs to be more restrictive, they can do that. So I didn't want to take that completely away.

I think probably the biggest problem is I think that sports authorities didn't realize there are TFRs associated with an airshow which are actually even more restrictive and bigger. So the best thing you could do is have an airshow next to your game. You're going to have a better TFR, I guess the irony is.

Mr. RAHALL. Because the gentleman is aware of a letter we've received from the major sports organizations, Major League Baseball and the National Football League, the NCAA, expressing their opposition to your amendment.

Mr. GRAVES of Missouri. Yes, and again I think it's just simply because they don't realize there's still a TFR there. And I probably should have done a better job of explaining that. If in the future it becomes a problem, I want there to be good security. I'd be more than willing to work something out.

Mr. RAHALL. Mr. Chairman, I think I just heard what I was looking for in the gentleman's concluding comments there, that he's willing to work with anybody that has these legitimate safety concerns in order to make sure that everything is clear on this going forward.

Mr. KUCINICH. If the gentleman will yield, I would be pleased to work with both of those gentlemen to make sure that we cover all the safety concerns that are expressed.

Mr. RAHALL. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 112–46.

Mr. WAXMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, Santa Monica Airport is a unique general aviation facility located in my congressional district. Each end of the bidirectional runway is abutted by steep hills, public streets, and densely populated neighborhoods, with homes as close as 250 feet. The airport has no runway safety areas. If a plane overshot the runway or failed to lift off upon departure, it could easily land in the neighborhood.

The amendment I offer today is simple and straightforward. It urges the FAA to continue its discussion with the city of Santa Monica to identify a meaningful solution to address serious safety concerns at the Santa Monica Airport.

For nearly a decade, I've joined the community, the city of Santa Monica and the Airport Administration to push the FAA to address this serious safety gap. While the FAA has had discussions with the city and presented a runway safety proposal, its response has simply fallen short. The FAA has acknowledged that its proposal is both insufficient to stop larger jets from an overrun and inadequate to prevent overshoots involving smaller planes.

My constituents and the pilots and passengers who use Santa Monica Airport deserve better. I urge my colleagues to support this amendment.

Mr. MICA. Will the gentleman yield?

Mr. WAXMAN. I would be pleased to yield to the chairman of the committee.

Mr. MICA. Mr. Chairman, first I have no objection to the amendment. And the sense of Congress the gentleman from California offers that FAA should enter into discussions with the Santa Monica Airport for the purpose of runway safety is justified. This is a safety issue. It's important that we address it. And from our side, I would support it.

Mr. WAXMAN. I thank the chairman.

Mr. RAHALL. Will the gentleman yield?

Mr. WAXMAN. I would be pleased to yield to the ranking member of the committee.

Mr. RAHALL. I thank the gentleman from California for bringing this to our attention and for bringing his amendment to the floor. It has our total support as well.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. SHUSTER

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 112–46.

Mr. SHUSTER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VIII of the bill, insert the following:

SEC. 8___ ISSUING REGULATIONS.

Section 106(f)(3)(A) is amended—

(1) by inserting ''(i)'' before the first sentence; and

(2) by adding at the end the following:

''(ii) Before proposing or issuing a regulation, the Administrator shall:

''(I) Analyze the different industry segments and tailor any regulations to the characteristics of each separate segment (as determined by the Administrator), taking into account that the United States aviation industry is composed of different segments, with differing operational characteristics.

''(II) Perform the following analyses for each industry segment:

''(aa) Identify and assess the alternative forms of regulation and, to the extent feasible, specify performance objectives, rather than a specific means of compliance.

''(bb) Assess the costs and benefits and propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.

''(cc) Ensure that the proposed regulation is based on the best reasonably obtainable scientific, technical, and other information relating to the need for, and consequences of, the regulation.

''(dd) Assess any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness) together with a quantification of such costs.''.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I rise to offer an amendment. This amendment is composed of two parts, both of which deal with making improvements to the process of issuing Federal Aviation Administration regulations.

The amendment is an effort to improve rulemaking at the FAA by requiring the agency to meet fundamental rulemaking principles.

Directing the FAA to meet these standards will ensure that regulations protect the critical importance of aviation safety while also considering issues of economic competitiveness.

The first part, the ''one size does not fit all'' part of the amendment, requires the FAA to recognize that the United States aviation industry is composed of a variety of different segments with different operating characteristics.

Therefore, before proposing or issuing a regulation, the FAA Administrator must analyze the different industry segments and tailor any regulations to the characteristics of separate segments. The definition of industry segments is left to the administrator.

The FAA Administrator, Randy Babbitt, has pointed out that a ''one size fits all'' approach does not work. In 2009, Administrator Babbitt said, ''In rulemaking, not only does one size not fit all, but it's unsafe to think it can.''

This amendment attempts to fulfill that objective.

The second part fulfills President Obama's goals of regulatory reform. The second part ensures that the proposed regulations are not overly burdensome or cumbersome by requiring the FAA to conduct rulemakings in accordance with certain principles. First, a reasoned cost and benefit analysis, second, an assessment of the impact on the economy, and third, extremely important that the regulation is based on the best available science and technical information.

Let me be clear that my intent is not to single out or gut any particular regulation or proposed regulation. This amendment does not define industry segments. We allow the FAA Administrator to interpret and appropriately define what industry segments are.

It does not require that the cost benefits analysis be the reason for a rule, a reasoned analysis.

Additionally, the amendment is not retroactive.

Finally, I understand that there may be concerns that the language could apply to ongoing rulemakings. That's not my intent for this amendment to apply to ongoing rulemaking, such as those regarding pilot flight and duty time.

□ 2000

The Transportation Committee has worked hard to address the important

safety concerns in a bipartisan manner. And if there are concerns with the language, we certainly want to make sure we clear that up.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. This amendment would impose new legislative requirements on the FAA's ability to propose or issue regulations. Many of the proposed requirements are redundant and are already required by existing law in Executive orders.

For example, the FAA is already required to consider the cost and benefits of regulations and to base its regulation on scientific and technical information. Other requirements, such as forcing the FAA to tailor regulations for each industry's segment, could seriously undermine efforts to achieve one level of safety in aviation and delay important safety improvements.

Mr. Chairman, last Congress, the House Aviation Subcommittee conducted extensive aviation safety oversight, including numerous hearings stemming from the February 2009 Colgan Flight 3407 tragedy. These hearings did not reveal a pattern of arbitrary or draconian rules imposed by the FAA on the aviation industry. Rather, they revealed a pattern of the industry's resistance to proposed safety regulations, many of which resulted from extensive accident investigations and which, nonetheless, languished for years.

The Flight 3407 families who tragically lost their loved ones 2 years ago in Buffalo, New York, were instrumental in the adoption of H.R. 5900, and they continue to monitor the implementation of this important law, holding industry's feet and the FAA's feet to the fire. They are opposed to this amendment because they are also concerned about the adverse impact it would have on the current FAA rulemaking on pilot fatigue.

Earlier today, Captain Sully Sullenberger, the former U.S. Air captain who safely landed in the Hudson River 2 years ago after a flock of geese damaged both his plane's engines, said he was extremely concerned that the Shuster amendment will prevent critical safety regulations from being implemented.

This amendment is not needed. It purports to fix a system that is not broken. At best, it is redundant; at worst, it will delay necessary rulemakings, including those on 84 open NTSB recommendations, to the detriment of the flying public.

Mr. Chairman, I strongly oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SHUSTER. May I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 2½ minutes remaining.

Mr. PETRI. Will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Wisconsin.

Mr. PETRI. I understand this amendment has stirred a certain amount of controversy. I have worked with Chairman COSTELLO on the underlying bill that seeks to improve safety and deal with the tragedy, some of which caused the Colgan crash.

We have been talking to the FAA. There is a disagreement about the impact of this amendment, frankly, because they indicate that this is more or less in line with their understanding of the underlying law and the procedures they intend to follow going forward and really merely clarifies it. And if that is the gentleman's intent, it seems reasonable that one take into account different circumstances to maximize safety under changing conditions in different segments of the aviation industry.

I certainly do not favor weakening safety, but I do favor strengthening it in relation to differing circumstances that exist. Whether it is emergency aviation or whether it is military aviation or commuter aviation or general aviation, there are some factors that may be reasonable to take into account to maximize safety. I understand or believe that is the author's intention, though others clearly differ with me at this point.

Mr. SHUSTER. Well, I appreciate the gentleman's comments, and that is my intent. In fact, the Executive order, which does have some of this already in it, cannot have judicial review. So this will strengthen the position for people who have judicial review to be able to enforce it. Again, currently, the Executive order doesn't have it in it. So I believe this is going to strengthen it.

I want safety. Randy Babbitt, who is now the FAA administrator and former president of the ALPA, the Air Line Pilot's Association, has said one size fits all doesn't fit all.

So, again, I think this is going to strengthen the position as we move forward with these rulings. So I would urge the gentleman, if there is something we can do to clear this up a little bit, I am happy to listen to him.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, there is no question, at least from legal counsel that we have talked to, that it would absolutely affect current regulations and those that are pending right now under consideration.

So I would ask the gentleman—I believe I understand his intent—if he would consider withdrawing the amendment, working with the chairman of the full committee and subcommittee, myself and Mr. RAHALL, as we go into conference.

I yield to the gentleman for an answer.

Mr. SHUSTER. I appreciate the gentleman.

That is my intent is to strengthen this. Again, I think this does strengthen the law because it will give it judicial review. So at this point I am not willing to withdraw the amendment.

Mr. COSTELLO. I thank the gentleman, and we continue to strongly oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SHUSTER. Again, I urge my colleagues to support this amendment. I believe we are going to strengthen the rulemaking process and make the skies and aviation travel even safer than it is today.

I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman, we strongly oppose the amendment. We believe that it will add additional red tape, and there is no evidence at all that the FAA regulations—our history, in fact—favor anyone, other than there has been a reluctance on the part of the industry to comply with regulations. What this will do is drag it out even further and have a negative effect on those pending regulations as well as the existing ones. So we continue to oppose.

I will be happy to work with the gentleman. I know he has good intentions, and I will be happy to work with him, but would continue to oppose and urge a ''no'' vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. COSTELLO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 25 OFFERED BY MS. MOORE

The Acting CHAIR (Mr. YODER). It is now in order to consider amendment No. 25 printed in House Report 112–46.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. INSPECTOR GENERAL REPORT ON PARTICIPATION IN FAA PROGRAMS BY DISADVANTAGED SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—For each of fiscal years 2011 through 2014, the Inspector General of the Department of Transportation shall submit to Congress a report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including those owned by veterans, that participated in the programs and activities funded using the amounts made available under this Act.

(b) NEW SMALL BUSINESS CONCERNS.—For purposes of subsection (a), a new small business concern is a small business concern that did not participate in the programs and activities described in subsection (a) in a previous fiscal year.

(c) CONTENTS.—The report shall include—

(1) a list of the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the programs and activities funded using the amounts made available under this Act;

(2) the results of an assessment, to be conducted by the Inspector General, on the reasons why the top airports have been successful in providing such opportunities; and

(3) recommendations to the Administrator of the Federal Aviation Administration and Congress on methods for other airports to achieve results similar to those of the top airports.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, I yield myself such time as I may consume.

My amendment is fairly straightforward. We all understand that small businesses are critical to the economic vitality of our communities and of the Nation. Small businesses, however, face many obstacles in trying to win Federal contracts, especially for transportation and infrastructure projects. For certain small businesses, those led by minorities, women, and veterans, the barriers to competing for federally funded contracts are even steeper, and for many years now Federal transportation legislation has included language to help these businesses even get in the door much less compete for and win these contracts.

I would submit to you that this is very noncontroversial. There are no quotas. There is no spending.

Mr. PETRI. Will the gentlewoman yield?

Ms. MOORE. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank my colleague from Wisconsin for yielding. And if I might take this occasion to be one of the first to wish her a happy birthday. A big milestone is coming up very shortly, and I congratulate you on reaching it.

We have reviewed your amendment on this side of the aisle, and we agree with you. We feel it is an important amendment and support it.

Ms. MOORE. I thank the gentleman from Wisconsin.

This bill, as I understand it, will authorize $47.5 billion over the next 4 years to improve our Nation's aviation system; and we all want small businesses to be able to fairly compete for that piece of the pie, because we know they can.

I yield to the gentleman from West Virginia, the ranking member.

Mr. RAHALL. I thank the gentlelady for yielding, and I commend her for her diligent work on this issue and for bringing her amendment to the floor of the House. It is all about fairness, and I rise in support as well.

□ 2010

Ms. MOORE. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 112–46.

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. HISTORICAL AIRCRAFT DOCUMENTS.

(a) PRESERVATION OF DOCUMENTS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take such actions as the Administrator determines necessary to preserve original aircraft type certificate engineering and technical data in the possession of the Federal Aviation Administration related to—

(A) approved aircraft type certificate numbers ATC 1 through ATC 713; and

(B) Group-2 approved aircraft type certificate numbers 2–1 through 2–554.

(2) REVISION OF ORDER.—Not later than one year after the date of enactment of this Act, the Administrator shall revise FAA Order 1350.15C, Item Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).

(3) CONSULTATION.—The Administrator may carry out paragraph (1) in consultation with the Archivist of the United States and the Administrator of General Services.

(b) AVAILABILITY OF DOCUMENTS.—

(1) FREEDOM OF INFORMATION ACT REQUESTS.—The Administrator shall make the documents to be preserved under subsection (a)(1) available to a person—

(A) upon receipt of a request made by the person pursuant to section 552 of title 5, United States Code; and

(B) subject to a prohibition on use of the documents for commercial purposes.

(2) TRADE SECRETS, COMMERCIAL, AND FINANCIAL INFORMATION.—Section 552(b)(4) of such title shall not apply to requests for documents to be made available pursuant to paragraph (1).

(c) HOLDER OF TYPE CERTIFICATE.—

(1) RIGHTS OF HOLDER.—Nothing in this section shall affect the rights of a holder or owner of a type certificate identified in subsection (a)(1), nor require the holder or owner to provide, surrender, or preserve any original or duplicate engineering or technical data to the Federal Aviation Administration, a person, or the public.

(2) LIABILITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents identified in subsection (a)(1).

(3) AIRWORTHINESS.—Notwithstanding any other provision of law, the holder of a type certificate identified in subsection (a)(1) shall not be responsible for any continued airworthiness or Federal Aviation Administration regulatory requirements to the type certificate data and documents identified in subsection (a)(1).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today in support of an amendment which I call the Herrick amendment, named for the gentleman who brought the matter to my attention, a restorer of old aircraft.

This amendment requires the FAA to preserve original aircraft engineering data in the agency's possession. You can kind of think of this as blueprints of our Nation's very earliest aircraft. It extends for the time from 1927 to 1939, 1927 being the very first typed certificate that was ever issued by the CEA at that time, the FAA now.

Right now, the FAA is currently authorized to destroy that data. In my opinion, this destruction represents the disappearance of very detailed documentation surrounding the golden age of aviation. In some cases this data is converted to a CD or is converted digitally.

What happens is the FAA policy then requires the agency to destroy the original documents. In the world of aviation, to those of us who are very close to aviation, this would be comparable to making a copy of the Declaration of Independence and then destroying the original. It is unclear how much of this original data exists, which is all the more reason why I think we need to preserve it, to find out how much is there.

What my amendment does is it simply requires the FAA to preserve original aircraft engineering data in the agency's possession of aircraft from 1927 to 1939. It requires the FAA to revise the order which provides them authority to destroy this data. The revision would prohibit such destruction. And it makes the documentation to be preserved under this act available to the public upon a Freedom of Information Act request, subject to a prohibition on using the documents for commercial purposes.

I would urge my colleagues to support this amendment.

Mr. PETRI. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from Wisconsin.

Mr. PETRI. We have reviewed the amendment and are supportive of it. The people who are concerned about vintage airplanes, I know EAA that I represent, one of the largest, if not the largest, association of general aviation enthusiasts, feels this is very important. We would like to work with you to perfect the amendment. But my understanding is the FAA and others also support its intent.

Mr. MICA. If the gentleman will yield, I will only agree to this amendment if Mr. GRAVES agrees that this is his last amendment on this legislation. I know he is the chairman of the Small

Business Committee. I know he has been an active member on the Transportation Committee. I know he is a pilot. But no one should be allowed as many amendments as he has had, and unless he agrees this is absolutely his last amendment, I would have to oppose it.

Mr. GRAVES of Missouri. Mr. Chairman, reclaiming my time, in response to that, I can guarantee you that this is my last amendment, for this particular bill at least.

Mr. RAHALL. If the gentleman will yield, the chairman and I have finally found something we agree upon. I agree as well.

Mr. GRAVES of Missouri. I would close with that, Mr. Chairman, yield back the balance of my time, and urge my colleagues to support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. PEARCE

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 112–46.

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. DOÑA ANA COUNTY, NEW MEXICO.

(a) RELEASE FROM RESTRICTIONS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 4, 1982) or sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance numbered 30–82–0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(b) CONDITIONS.—Any release granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in subsection (a), the County shall receive an amount for the interest that is equal to the fair market value.

(2) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

This amendment is at the request of the local county, Dona Ana County, in New Mexico. They have land which alternates with a private investor. They are simply asking that 7.35 acres be given to them and they would in turn give up 8.41 acres to this private company. Then the private company would also give a road to the airport that they are desiring.

This land swap is by the mutual agreement of all parties concerned. The FAA has no objections to the transaction. The appraised value is somewhat different, but the developing group is offering to pay for a road in an equal amount to where the two amounts would be equal, so there is no effective difference.

I would confirm to the chairman of the committee that this is my last amendment also, if that is what it takes to get people to agree to it.

Mr. PETRI. Will the gentleman yield?

Mr. PEARCE. I yield to the gentleman from Wisconsin.

Mr. PETRI. We have reviewed your amendment and feel that it is a reasonable and important amendment. We support it and urge a ''yes'' vote on your amendment.

Mr. PEARCE. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

First I want to read through the rules of the House and what I understand is a congressional earmark. Under clause 9 of rule XXI, a congressional earmark is defined as a provision included at the request of a Member authorizing or recommending spending authority for an entity or targeted to a specific locality or congressional district.

The amendment before us qualifies as a congressional earmark. The gentleman from New Mexico specifically is requesting the provision.

In addition, the amendment authorizes spending authority for Dona Ana County, New Mexico. Subsection (b)(2) states: ''Any amount received by the County for the conveyance,'' which clearly contemplates the county receiving funding pursuant to this provision. Therefore, the amendment qualifies as a congressional earmark under clause 9 of rule XXI.

Moreover, under clause 17 of rule XXII of the rules of the House regarding Members' Code of Conduct, a Member requesting a congressional earmark must provide a written statement to the chair and ranking member certifying that neither the Member nor his spouse has a financial interest in the earmark. I don't question that at all here, but I am just saying what the rules are.

Mr. Chairman, I understand that the rule waives all points of order against the amendment. However, is there any way to ensure that the gentleman from New Mexico files the appropriate financial disclosure certification with the Committee on T&I required under clause 17 of rule XXII?

These disclosure requirements were included in the House rules in the 110th Congress under the Democratic majority. They have served the House well. Merely what I am trying to do is ensure that the sunshine provisions continue to be the standard of the House.

I yield to the gentleman from New Mexico.

Mr. PEARCE. Since there is no money actually changing hands, there is not any value changing hands, it appears that the rule that the gentleman refers to is not invoked.

I am reading clause 9, section (e), which says for purposes of this clause, the term congressional earmark means a provision in the report language included primarily at the request of a Member providing, authorizing, recommending a specific amount of discretionary budget authority, which this does not do, credit authority, which this does not do, or other spending authority, which this does not do, for a contract, which this does not do, a loan, which this does not do, loan guarantee, which this does not do, grant, which this does not do, loan authority, which this does not do, or other expenditure with or to an entity or targeted to a specific State, locality or congressional district.

Mr. RAHALL. Reclaiming my time, the gentleman's last sentence of his amendment says: ''Any amount received by the county for the conveyance shall be used by the county for the development, improvement, operation or maintenance of the airport.'' So it does seem there is some transfer of value here or some monetary, or if not monetary, some value of some sort that is being conveyed to the county.

□ 2020

Mr. PEARCE. The amounts that are involved are equivalent. There is no difference. So I think that's just clearing language in the bill. It's not like any value is moving either direction or the other. That has been ascertained by the appraisals. There is an equivalent difference in land but then the company that is giving up land at the request of the local county has agreed to pave a road on the airport for the county that would make up the difference. And that value has been ascertained also to be in the amount of about $143,830 in order to make the two transactions equivalent.

Mr. RAHALL. Reclaiming my time, what is the value the Federal Government is getting here?

Mr. PEARCE. In our view, there is no value lost or gained in either direction

Mr. RAHALL. Except toward the county.

Mr. PEARCE. No. There's no loss to the county—no loss or no gain to the county. There are 7 acres that are in triangular shapes up against the county. They're not able to do anything with the airport on that side. They're simply asking that these triangular shapes be exchanged out so that there is a strip of land that they can develop.

There is no difference in value to either the county or to the company.

Mr. RAHALL. Reclaiming my time, I raise these questions, Mr. Chairman, because what looks like an earmark, walks like an earmark, smells like an earmark, must be an earmark.

I yield back the balance of my time.

Mr. PEARCE. I appreciate the points that the ranking member has brought up. Of course, I share his concern in deep disregard for earmarks. We would never do anything which either compromised his values concerning earmarks, nor mine. We feel like the entire transaction is transparent. It's one which was requested by the local county at the expense of the local company. And so, to me, the Rules Committee has said that this amendment would be made in order; that it did not offend any provision of the rules of this House, nor did it offend any of the germaneness regarding the underlying bill. So we gladly pursue this, and would request a ''yes'' vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

It is now in order to consider amendment No. 28 printed in House Report 112–46.

AMENDMENT NO. 29 OFFERED BY MR. SCHIFF

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in House Report 112–46.

Mr. SCHIFF. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. MANDATORY NIGHTTIME CURFEWS.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any written assurances under section 47107 of title 49, United States Code, an airport sponsor may not be prohibited from, or interfered with, implementing any of the following:

(1) A total mandatory nighttime curfew for an airport of the sponsor that is described in paragraph (1) of subsection (b).

(2) A partial mandatory nighttime curfew for an airport of the sponsor that is described in paragraph (2) of subsection (b).

(b) COVERED AIRPORTS.—

(1) PARAGRAPH (1) AIRPORTS.—An airport described in this paragraph is an airport that—

(A) had a voluntary curfew in effect for certain aircraft on November 5, 1990; and

(B) was created by an intergovernmental agreement established pursuant to a State statute enacted before November 5, 1990, that, along with the statute, imposes obligations with respect to noise mitigation.

(2) PARAGRAPH (2) AIRPORTS.—An airport described in this paragraph is an airport that—

(A) had a partial curfew in effect prior to November 5, 1990;

(B) operates under the supervision of a board of airport commissioners that, on January 1, 2010, oversaw operation of 3 or more airports, at least 2 of which have airport operating certificates pursuant to part 139 of title 14, Code of Federal Regulations; and

(C) on January 1, 2010, failed to comply with a cumulative noise standard established by a State law for airports in that State.

(c) NOTICE REQUIREMENTS.—

(1) IN GENERAL.—At least 90 days before implementing a curfew under subsection (a), an airport sponsor shall provide to airport users and other interested parties reasonable notice of—

(A) the terms of the curfew; and

(B) the penalties for violating the curfew.

(2) REASONABLE NOTICE.—An airport sponsor shall be treated as satisfying the requirement of providing reasonable notice under paragraph (1) if the sponsor—

(A) includes the terms of the curfew and penalties for violating the curfew on the Internet Web site of the sponsor for the applicable airport; and

(B) provides the terms of the curfew and penalties for violating the curfew to tenants of the sponsor who operate aircraft at the airport, either at their leasehold or the address provided to the airport sponsor for the receipt of notices under their lease.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL MANDATORY NIGHTTIME CURFEW.—The term ''total mandatory nighttime curfew'' means a prohibition on all aircraft operations at an airport each night during the 9-hour period beginning at 10 p.m.

(2) PARTIAL MANDATORY NIGHTTIME CURFEW.—The term ''partial mandatory nighttime curfew'' means a prohibition on certain aircraft operations at an airport each night for not longer than the 9-hour period beginning at 10 p.m.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I rise today in support of the amendment that I'm offering along with my southern California colleagues, Mr. SHERMAN and Mr. BERMAN. This amendment would allow airports that meet specific requirements—airports that already had at least a partial curfew in effect before the 1990 Airport Noise Control Act, ANCA, to implement mandatory nighttime curfews. The amendment defines a nighttime curfew as between 10 p.m. and 7 a.m., and affects only two small airports that have partial curfews—or a full curfew, in the case of Bob Hope—before the passage of ANCA. It does not intend to open the door to any further exemptions from ANCA.

When Congress enacted ANCA, it intended for the statute to permit airports to obtain noise restrictions if they met certain requirements. At the time, Congress exempted several airports from the law's requirements for FAA approval of new noise rules if they had preexisting noise rules in effect to address local noise problems. Both airports in southern California that would be affected by this amendment have a long history of curfews and were, unfortunately, left out of the grandfather provision of ANCA. Our amendment would correct this inequity and put those airports on the same footing as other airports that had curfews before ANCA's passage. One of the airports affected, Bob Hope Airport, was one of the first airports in the country to impose a curfew. The Van Nuys Airport also had a partial curfew prior to ANCA. The amendment therefore corrects the omission of not providing curfews to these airports since they already had a full or partial curfew in effect before 1990.

This amendment is supported by the local airports themselves and has the full support of the local congressional delegation. Opponents of the amendment contend there's already an established process to consider a community's request for a curfew. However, the process was designed to be so difficult that in the decades since it was established by the FAA, only one airport in the Nation has successfully completed an application—Bob Hope Airport—and then it was summarily turned down. After spending $7 million and 9 years of effort, the FAA rejected Bob Hope's request, erroneously contending that the small number of flights impacted by the curfew would impose too great a strain on the country's aviation system and too great a cost on users. In reality, the FAA approached this process in reverse, beginning with the conclusion it wished to reach and working backwards to try and justify its result.

It's also important to note that my colleagues understand the impact this amendment will have on aviation in southern California. There will be no impact on commercial flights. Commercial airlines do not operate out of Van Nuys and commercial airlines already abide by a voluntary nighttime curfew at Bob Hope Airport. The impact on general aviation will be very limited. About nine flights each night are expected to be affected. Because of the FAA's dismissive attitude toward legitimate local concerns, it is clear to us that the only way to provide relief to the residents in our community is through a legislative action.

For this reason, Mr. Chairman, I strongly urge my colleagues to support this amendment. It will correct an omission in the Airport Noise Control Act. Local problems require local solutions, not solutions imposed by a Federal agency with a predetermined agenda.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I have done my best to meet with some of the affected parties here. And I have the greatest respect for those who have brought this proposal forward. I talked to Mr. SCHIFF,

Mr. BERMAN, and others. They have a good intention. They want to protect the airports and the constituents that they represent. However, what they propose is—again, I had to look at this very carefully to see the consequences of what they propose and how it would affect all of us.

Prior to 1990—I think that's where he wants to take us back to—we didn't have a regulation for a standard airport noise control Federal law. Congress enacted a law. And they did this because we get into the situation that any airport could impose various flight restrictions. And what you do is start closing down a national system because, again, you have no consistent regulation. And we set up a procedure in that law.

Now, it is true that Bob Hope had applied, spent money, and then was denied. Van Nuys has never applied. And Bob Hope can go back and apply. If we open this up and we start taking airport by airport and granting certain levels of activity in time, we start destroying a national aviation system. So that's why we put the Act in place. It has a manner in which to proceed.

I'm glad this came up because maybe it is an Act that we need to look at. I don't want communities to have to spend a great deal of money to go through this process or spend a great deal of time. Maybe we need to look at amending the Airport Noise Control Act of 1990 to be fair to communities. But I'm telling you, if we open this door, then we have a problem.

Again, Van Nuys has never even sought the remedy. So to come to Congress and ask for this exemption at this point on behalf of the entire aviation system—and my responsibility is to, again, everyone who contributes to our national aviation system—I can't concur with, and I have to oppose this amendment at this time.

I reserve the balance of my time.

Mr. SCHIFF. I thank the chairman and appreciate the time that he spent to discuss this issue with us. I would just make a couple of points before I yield to my colleague, and that is that this will only restore an inequity at the time of ANCA.

□ 2030

Had ANCA exempted each of the airports that had a curfew in place at the time, we wouldn't be here because this problem would have been taken care of. So it doesn't really create a precedent that will erode the system, destroy the system. What it will say is all airports that had a curfew in place should be treated the same way.

And as a further illustration of the minimal impact it will have, both airports support this. And LAX, the major airport in the area, the authority that controls LAX also supports this. So the other major airport that would be impacted by any potential overflow supports this as well. There's uniformity within the airports in our region.

With that, I yield the balance of my time to my colleague from California (Mr. SHERMAN).

The Acting CHAIR. The gentleman from California is recognized for 30 seconds.

Mr. SHERMAN. I represent both airports in question. This is a principled amendment that deals with all airports that had curfews in effect in 1990.

To say that Burbank should appeal, having spent $9 million on a dead-end rigged process, is not a sufficient answer. And to say that Van Nuys should then go spend $9 million on a process that's obviously rigged is not an answer.

The answer is to adopt this amendment that doesn't cost the Federal Government a penny and simply allows the L.A. area to do what every stakeholder in the area wants to do. The harsh hand of the Federal Government should not prevent local control in this area.

Mr. MICA. I yield myself the balance of my time.

Again, I try to work with Members that have problems. Unfortunately, again, in analyzing this—I do have the stewardship of the country at stake and our national aviation system. And this amendment, unfortunately, would set a precedent that would encourage other localities to seek congressional intervention to override FAA decisions or to avoid the agency review process altogether.

We could be here all the time doing this. The results would be a patchwork quilt of local regulations that would work against the maintenance of a national air transportation system. We can start taking it apart piece by piece. And that was exactly the concerns that led to the passage of the law in 1990.

Now, if it needs amending, I will work with them. I understand their concerns and others that might have a similar problem. And it's somewhat educational too to learn about the $9 million that they had to spend to go through this process and then have it denied.

But I can't in good faith, and, again, having a responsibility to the Nation and its aviation system, support this amendment at this time. I have to oppose it because, again, the patchwork, the quilt work, and the deluge that we would get in our committee. So, again, I'm having concerns, but I still remain in opposition.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SHERMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 30 OFFERED BY MR. MATHESON

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 112–46.

Mr. MATHESON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation is authorized to grant to any airport, city, or county a release from any of the terms, conditions, reservations, or restrictions contained in a deed under which the United States conveyed to the airport, city, or county property for airport purposes pursuant to section 16 of the Federal Airport Act (as in effect on August 28, 1973) or section 23 of the Airport and Airway Development Act.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The applicable airport, city, or county shall agree that in conveying any interest in the property which the United States conveyed to the airport, city, or county, the airport, city, or county will receive an amount for such interest that is equal to its fair market value.

(2) Any amount received by the airport, city, or county under paragraph (1) shall be used exclusively for the development, improvement, operation, or maintenance of a public airport by the airport, city, or county.

(3) Any other conditions required by the Secretary and in accordance with title 49, United States Code.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, I am very pleased to stand up and offer this bipartisan amendment today, offered by myself and also the gentleman from New Mexico (Mr. PEARCE).

The amendment addresses an interesting problem, and that is, over history, at times, the Federal Government has given land to various airport authorities—it could be a city, a county, or a State—with a reverter clause that the land is no longer used for the purpose in which it was given or sold to that airport. Now, I'm not suggesting we ignore the reverter clause, but there are circumstances where a different airport-related use is proposed for this land but it can't be done under the original terms of the sale.

So our amendment basically says that as long as this land is continued to be used for airport purposes, the FAA has the ability to ignore the reverter clause, if you will, or adjust the reverter clause to allow this land to continue to be used for airport purposes in a different manner than it was used before.

This circumstance exists in various locations around the country. This is an issue that has been hanging out for a few years in some of our congressional districts, and I'm pleased we have found a way, I believe, to address

what I believe are noncontroversial issues of changing to a different type of airport use. So I think it's consistent with the intent of the land being given to a city, county, or State or airport authority. This remains in the public hands.

That is the substance of my amendment, Mr. Chairman, and I urge people to vote for it.

Mr. PETRI. Will the gentleman yield?

Mr. MATHESON. I yield to the gentleman from Wisconsin.

Mr. PETRI. Thank you.

We have reviewed this amendment. We support the goal that he is attempting to achieve. We want to continue working with him, but even with its being adopted, because the FAA has raised some concerns, mainly that it, as drafted, would capture all airports and would have an overly broad effect. But I understand the difficulty that created that; so we're trying to figure out if there is some way we can achieve the objective which, as best we can tell, is a perfectly reasonable, sensible objective within the rules of the House and without causing problems in other places that are unintended.

With those caveats, we support the amendment and look forward to working with you as we go forward.

Mr. MATHESON. I greatly appreciate the comments of my colleague Mr. PETRI. And, again, I also commit to work with you to refine this to make this in the best possible form.

Mr. PEARCE. Will the gentleman yield?

Mr. MATHESON. I yield to the gentleman from New Mexico.

Mr. PEARCE. Thank you.

I was going to claim time in opposition and then speak in favor of the amendment, but we can get this wrapped up a lot quicker if we do it this way.

Basically, I am cosponsoring the amendment with the gentleman. In the West the problem is greater, more extensive than the rest of the country, but we've got small parcels of land around everywhere that are owned by the government. And this is a practical, commonsense measure which would help distribute those parcels of land. It requires that the value be accorded to the government, to whatever owning agency there is. You have to receive fair market value for it, but it gets it out of the government's hands and into the hands of either an entity that will develop the land or hold it. So it's a commonsense amendment that makes for smoother operations downstream, and I would gladly support the amendment and urge a ''yes'' vote for the Matheson-Pearce amendment.

Mr. MATHESON. Reclaiming my time, if no one is going to claim time in opposition, I am happy to close.

Again, I appreciate Mr. PEARCE's work on this and I appreciate Mr. PETRI's ongoing discussions on this. It's been a bipartisan effort. I encourage my colleagues to support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

□ 2040

AMENDMENT NO. 31 OFFERED BY MR. SCHIFF

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 112–46.

Mr. SCHIFF. Mr. Chairman, I rise as the designee of the gentlewoman from California, Representative WATERS, and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VIII of the bill, insert the following (and conform the table of contents accordingly):

SEC. 8. SENSE OF CONGRESS.

It is the sense of Congress that Los Angeles World Airports, the operator of Los Angeles International Airport (LAX)—

(1) should consult on a regular basis with representatives of the community surrounding the airport regarding—

(A) the ongoing operations of LAX; and

(B) plans to expand, modify, or realign LAX facilities; and

(2) should include in such consultations any organization, the membership of which includes at least 20 individuals who reside within 10 miles of the airport, that notifies Los Angeles World Airports of its desire to be included in such consultations.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETRI. Will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Wisconsin.

Mr. PETRI. Earlier this afternoon, we discussed this amendment with the principal author, your colleague Ms. WATERS. We are prepared to accept the amendment. We know it was offered in good faith, and is a more restrictive amendment than an earlier one that we'd discussed, so I would urge a ''yes'' vote on her amendment.

Mr. SCHIFF. Mr. Chairman, I thank you for that, and I know my colleague Representative WATERS thanks you for that. Let me just briefly state for the record a couple of points that my colleague would like me to make, and then I'd be happy to yield the balance of my time.

This amendment states that it is the sense of Congress that Los Angeles World Airports, the operator of LA International Airport, LAX, should consult on a regular basis with representatives of the community surrounding LAX regarding airport operations and plans to expand, modify or realign airport facilities.

LAX, one of the world's busiest airports, is located in Representative WATERS' congressional district. According to LAWA's Web site, LAX is the sixth busiest airport in the world for passengers, and it ranks 13th in the world in air cargo tonnage handled. There were 656,000 takeoffs and landings at LAX in 2006. Unfortunately, each of these takeoffs and landings makes noise.

LAWA is currently in the process of realigning the runways on the north side of the airport. Depending upon the runway configuration that is chosen, this realignment could have a tremendous impact on the local community. Residents of Westchester and Playa del Rey, which are located adjacent to the north runways, are strongly opposed to any proposal to move the runways farther north, which could force some families to leave their homes. Residents of the city of Inglewood and the communities of Vermont Knolls and south Los Angeles, which lie to the east of LAX, underneath the flight path of the planes that use the runways, are concerned that reconfiguration will result in an increase in airport noise.

Some of the people who are most impacted by LAX operations do not even benefit from the services that LAX is intended to provide. LAX serves people from all across southern California, but many of the people who live closest to the airport are low-income who cannot afford the benefits of air travel. In communities like Los Angeles, where airports are located near residents who can't afford to use them, it is all the more important that the airport operators listen to the concerns of those residents.

This is a simple, nonbinding amendment that will not affect other airports. I thank the chairman for his support, and urge my colleagues to support this as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The amendment was agreed to.

AMENDMENT NO. 32 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 112–46.

Ms. MOORE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. DEVELOPMENT OF AEROTROPOLIS ZONES AROUND AIRPORTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may establish a program in support of the development of aerotropolis zones around medium and large hub airports.

(b) DEMONSTRATION PROJECTS.—Under the program, the Administrator may carry out demonstration projects in not more than 5 locations. In selecting such locations, the Administrator shall seek a mix of medium and large hub airports.

(c) ACTIVITIES.—In carrying out a project with respect to an airport under the program, the Administrator shall undertake activities designed to—

(1) encourage freight and passenger rail companies to support the development of those facilities at or near the airport to reduce congestion and improve the flow of freight and passengers to and through the airport;

(2) reduce traffic congestion on roadways serving the airport to improve the flow of passengers and freight to and through the airport; and

(3) integrate airport planning and development efforts with businesses and municipalities located near the airport to maximize economic development opportunities that rely on the airport as a transportation hub.

(d) REPORTS.—If the Administrator decides not to carry out demonstration projects under the program in a fiscal year, the Administrator, on or before the last day of that fiscal year, shall submit to Congress a report containing an explanation for the Administrator's decision.

(e) FUNDING.—For each of fiscal years 2011 through 2014, the Administrator may use amounts made available under section 106(k) of title 49, United States Code, for operations of the Federal Aviation Administration to carry out this section.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, this amendment encourages the development of aerotropolis transportation zones.

Let me start out by congratulating and thanking the committee for including the Cohen amendment in the underlying bill, which would direct the FAA to adopt policies that encourage the development of aerotropolis transportation zones.

I mean, no airport exists in isolation. There are cases where targeted investments in the intermodal transportation system would significantly benefit the airport and make it more profitable, and all other users would need to think about how to do that in the future and make these airports the hubs of their activities.

I so appreciate Mr. COHEN's leadership on this, and recognize the value in his new way of looking at our Nation's airports and the value that that brings to us.

My amendment goes one step further by giving the administration explicit authority to participate in helping to fund aerotropolis projects that he finds would significantly benefit the participating airport. It builds on Mr. COHEN's efforts by making it clear that the administrator can authorize demonstration projects but only if an airport authority makes a convincing case that it has a project that will result in clear benefits to the airport.

Now, a little birdie told me that there will be some objection to this proposal based on the supposition that I'm arguing for a sudden shift in airport funding to be used for other transportation modes. No, no, no. That's not what I'm trying to do. I recognize that airports have a unique need and deserve a sustainable and dedicated stream of funding. What I am saying is, as to that same funding stream, when there are times that intermodal transportation will benefit an airport—maybe bring it back to life and increase profits for it—we should look at it.

I wish my colleague from Memphis, Tennessee, were here, but just let me tell you a little bit about my district, Mr. Chairman.

I live in Milwaukee, Wisconsin. Our airport is only 90 miles from O'Hare, a global network. The deepest part of Lake Michigan, our port, is in Milwaukee, Wisconsin. We have lots of parcels of land available for trucking and storage. Our Governor, our very popular Governor, Scott Walker, who just turned down $810 million for high-speed rail, now wants $150 million to improve the Hiawatha between Chicago and Milwaukee. We're only 90 miles from O'Hare, which is overcrowded. So I think the aerotropolis concept could improve the profitability of that airport.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. While I do want to, first of all, thank the gentlelady from Wisconsin for bringing this amendment forward, our committee did have an amendment which we included, a provision for the gentleman from Tennessee, who she has been working with, Mr. COHEN. I think they have an excellent proposal for looking at a broader scope of how aviation should work as an intermodal entity and on a larger basis. I do have concerns about the way the language is directing certain demonstration projects and FAA funding.

So we are willing to work with, again, the gentlelady who brings this amendment forward with Mr. COHEN, the gentleman from Tennessee. We did put the placeholder provision in and supportive language of this type of proposal. Again, I would have to reluctantly oppose it, but I offer to support, and if the gentlelady is willing to withdraw the amendment, she would have that commitment from me.

I reserve the balance of my time.

Ms. MOORE. I would like to yield some time to my good friend, the ranking member, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentlelady from Wisconsin for yielding.

I do rise in support of her amendment, which would allow the FAA to conduct demonstration projects in support of aerotropolis zones around airports. These zones would encourage compatible land uses around airports. They would also facilitate transportation projects that would improve airport access and reduce congestion.

These projects would not be required, but this amendment would give the FAA the flexibility to encourage the development of aerotropolises around our Nation's airports, which would be for the benefit of the flying public and local economies.

I commend the gentlelady on her amendment.

Ms. MOORE. In reclaiming my time, I would just say I really appreciate the generous offer of the gentleman, the chair of the committee, to work with me on it. I think a demonstration project would have accorded us an opportunity to show you this, but I am sure that this is so profitable that many places, like Milwaukee, will continue to work on this.

So I would be willing to withdraw this amendment at this time if you would be willing to work with me toward improving the language and process through which this could be realized.

I reserve the balance of my time.

□ 2050

Mr. MICA. Again, yielding myself time, I would openly and very actively pursue the goal that the gentlelady has set here and also the gentleman from Tennessee who provided the underlying provision that we have in the bill that will be passed. And I know that her goal is development to provide efficient, cost-effective, and sustainable intermodal connectivity to a defined region, and I share that goal. So I will work with her.

Also, in closing, since this is the last amendment—I think Mr. CROWLEY does not intend to appear—I do want to thank the gentlelady. I want to thank the ranking member, Mr. RAHALL. I don't see Mr. COSTELLO. I want to thank Chairman PETRI and the staff who have worked through this. There were some disagreements on some of these issues; but we have Members that are willing to, again, come forward, state their positions. The gentlelady from Wisconsin has done that and advocated her particular provision and amendment; but I think that in all it's been a good, healthy debate and exchange, an opportunity to hear many, many amendments throughout the day.

And I would encourage again working with those who have had proposals that may not have gotten in the bill that we would work on in conference; and while we do have some disagreements, I think we've done probably as good a job as we can.

I'd like to yield a moment, if I may, to Mr. RAHALL my ranking member, Democrat leader of the committee.

Mr. RAHALL. I thank the chairman for yielding, and I want to second the comments he's made about the fairness on both sides of the aisle. I think the chairman has been particularly fair and, as stated, is willing to work with so many Members on amendments, whether he has accepted them today or not.

I also commend the staffs on both sides for their hard work. Mr. PETRI, I commend his leadership, and Mr. COSTELLO as well on my side of the aisle. And let's all hope this is the last time we go through this this year on this bill.

Mr. MICA. Again, I thank the gentleman and the gentlelady. I yield back the balance of my time, both on this amendment and hopefully on the bill.

Ms. MOORE. I yield back the balance of my time, and I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in House Report 112–46.

Mr. MICA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration 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, had come to no resolution thereon.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR FOR 112TH CONGRESS

The SPEAKER pro tempore. On behalf of the majority and minority leaderships, the Chair announces that the official objectors for the Private Calendar for the 112th Congress are as follows:

For the majority:
Mr. SMITH, Texas
Mr. SENSENBRENNER, Wisconsin
Mr. POE, Texas
For the minority:
Mr. SERRANO, New York
Mr. NADLER, New York
Ms. EDWARDS, Maryland

HUNGER FAST 2011

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I rise to commend the efforts of our former colleague, Tony Hall; Reverend David Beckman; Reverend Jim Wallis; Mark Bittman; and more than 6,000 people across the country as they take part in a hunger fast to protest the draconian cuts to programs that affect the hungry and the most vulnerable in America and around the world.

The Republican plan, H.R. 1, would decimate what is now being called the Circle of Protection—the programs that protect the hungry and the most vulnerable here at home and around the world. I urge my colleagues to show that America doesn't turn its back on people in need, to have a heart, and to resist cutting these lifesaving programs. Please go to www.hungerfast.org for more information.

PROTECTING PROGRAMS FOR LOW-INCOME PEOPLE: A CIRCLE OF PROTECTION

DOMESTIC

Food assistance.

SNAP, the supplemental nutrition assistance program (formerly food stamps), helps more than 43 million Americans put food on the table every month.

The National School Lunch Program serves 20.4 million low-income children.

The School Breakfast Program serves 9.7 million low-income children.

Tax credits and income support.

In 2009, the Earned Income Tax Credit (EITC) lifted an estimated 6.6 million people out of poverty, including about 3.3 million children.

In 2009, the Child Tax Credit (CTC) lifted an estimated 2.3 million people out of poverty, including about 1.3 million children.

In the 2007 tax year (the most recent year for which we have data), nearly 25 million working families and individuals received the EITC.

Low-income child care and early education.

Low-income health care.

Low-income education and training.

Preventing child maltreatment.

INTERNATIONAL

International food assistance and emergency response.

More than 30 million people receive assistance from USAID's Food for Peace program (P.L. 480 Title II).

The McGovern-Dole International Food for Education and Child Nutrition Program serves 5 million of the world's poorest children.

Sustainable international development.

42 million African children went to school for the first time between 1999 and 2007, thanks in part to debt relief and development assistance for education.

Global health.

International poverty-focused financial services.

International refugee assistance and post-conflict support.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Friday, April 1, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

949. A letter from the Director, Department of Defense, transmitting the Department's twenty-first annual report for the Pentagon Renovation and Construction Program Office (PENREN), pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

950. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Nonavailability Exception for Procurement of Hand or Measuring Tools (DFARS Case 2011-D025) received March 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

951. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids into Schedule I [Docket No.: DEA-345F] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

952. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulation: Replacement Parts/Components and Incorporated Articles (RIN: 1400-AC70) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

953. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses as required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

954. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Foreign Affairs.

955. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Auditor's Examination of the Office of Risk Management's Oversight of the District's Disability Compensation Program'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

956. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of Tulsa County, Oklahoma, and Angelina County, Texas, to Nonappropriated Fund Federal Wage System Wage Areas (RIN: 3206-AM22) received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

957. A letter from the Secretary, Judicial Conference of the United States, transmitting the Conference's second report entitled, ''Report on the Adequacy of the Rules Prescribed under the E-Government Act of 2002''; to the Committee on the Judiciary.

958. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Information Security Program [Docket No.: 11-01] (RIN: 3072-AC40) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

959. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Amendments to Commission's Rules of Practice and Procedure [Docket No.: 11-02] (RIN: 3072-AC41) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

960. A letter from the Director, Regulations Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Update to NFPA 101, Life Safety Code, for State Home Facilities (RIN:

2900-AN59) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

961. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2011-20) received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

962. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax consequences to homeowners, mortgage servicers, and state housing finance agencies of participation in the HFA hardest hit fund and the emergency homeowners' loan program [Notice 2011-14] received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

963. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2011 Calendar year Resident Population Estimates [Notice 2011-15] received March 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. House Concurrent Resolution 13. Resolution reaffirming ''In God We Trust'' as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions (Rept. 112–47). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. Report on Oversight Plans for All House Committees (Rept. 112–48). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 194. Resolution providing for consideration of the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes (Rept. 112–49). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POE of Texas:

H.R. 1277. A bill to authorize the Secretary of Homeland Security to make grants for public-private partnerships that finance equipment and infrastructure to improve the public safety of persons who are residents of rural areas of the United States near the border with Mexico by enhancing access to mobile communications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Ms. NORTON, Mr. BUTTERFIELD, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. RANGEL, Mr. COLE, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. ELLISON, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. LUCAS, Mr. BISHOP of Georgia, Mr. CLAY, Mr. BOREN, Ms. LEE of California, Mr. WATT, Mr. CLEAVER, Mr. PRICE of North Carolina, Ms. FUDGE, Ms. MOORE, Ms. RICHARDSON, and Ms. CLARKE of New York):

H.R. 1278. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating the John Hope Franklin Reconciliation Park and other sites in Tulsa, Oklahoma, relating to the 1921 Tulsa race riot as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. CHAFFETZ (for himself and Mr. HOLT):

H.R. 1279. A bill to amend title 49, United States Code, to establish limitations on the use of advanced imaging technology for aircraft passenger screening, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. ROYCE, Mr. SHERMAN, Mr. FORTENBERRY, and Mr. MARKEY):

H.R. 1280. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIBBLE (for himself, Mr. STUTZMAN, Mr. KINGSTON, Mr. BENISHEK, Mr. DESJARLAIS, Mr. MULVANEY, Mr. FLORES, Mr. GIBBS, Mr. FINCHER, Mr. DUNCAN of South Carolina, Mr. NUGENT, and Mr. RIGELL):

H.R. 1281. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on rulemaking actions, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDWARDS (for herself, Mr. VAN HOLLEN, Mr. WOLF, Mr. HOYER, Ms. NORTON, Mr. MORAN, Mr. CUMMINGS, and Mr. CONNOLLY of Virginia):

H.R. 1282. A bill to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideway; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM (for himself, Mr. BOREN, Mr. HUNTER, Mr. WALZ of Minnesota, Mr. RYAN of Ohio, Mr. MCKINLEY, Mr. LOEBSACK, Mr. SABLAN, Mrs. BLACKBURN, Mr. KISSELL, Mr. FORTENBERRY, Ms. SUTTON, Ms. BORDALLO, Mr. HOLT, and Mr. CUELLAR):

H.R. 1283. A bill to amend title 10, United States Code, to eliminate the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service; to the Committee on Armed Services.

By Mr. BACA:

H.R. 1284. A bill to amend title 10, United States Code, to enhance the suicide prevention program of the Department of Defense by specifically requiring suicide prevention training during recruit basic training, preseparation counseling, and mental health assessments; to the Committee on Armed Services.

By Mrs. BACHMANN:

H.R. 1285. A bill to amend title 10, United States Code, to prohibit certain increases in fees for military health care before fiscal year 2014; to the Committee on Armed Services.

By Mrs. BACHMANN (for herself, Mr. KINGSTON, Mr. GOHMERT, Mr. HENSARLING, Mr. BROUN of Georgia, Mr. REHBERG, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. GRAVES of Missouri, Mr. TIPTON, Mr. SCALISE, Mr. STUTZMAN, Mr. RIBBLE, Mr. DESJARLAIS, Mr. MANZULLO, Mr. PEARCE, Mr. LAMBORN, Mr. FLEMING, Mr. BENISHEK, Mr. FLORES, Mr. FORTENBERRY, Ms. BUERKLE, Mr. CANSECO, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. PENCE, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. HARRIS, Mrs. HARTZLER, and Mr. SCHWEIKERT):

H.R. 1286. A bill to provide for fiscal accountability for new direct funding under the Patient Protection and Affordable Care Act by converting its direct funding into authorizations of appropriations and by rescinding unobligated direct funding; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CARTER, Mr. COFFMAN of Colorado, Mr. DUNCAN of Tennessee, Mr. FLEMING, Mr. GALLEGLY, Mr. HARRIS, Mr. HELLER, Mr. HERGER, Mr. HUELSKAMP, Mr. JOHNSON of Ohio, Mr. LANDRY, Mr. LATTA, Mr. LAMBORN, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. NUNES, Mr. PEARCE, Mr. PENCE, Mr. POSEY, Mr. ROE of Tennessee, Mr. SIMPSON, Mr. WALBERG, and Mr. YOUNG of Alaska):

H.R. 1287. A bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. JONES, Mr. MCINTYRE, and Mr. FORTENBERRY):

H.R. 1288. A bill to direct the Secretary of Homeland Security to accept additional documentation when considering the application for veterans status of an individual who performed service in the merchant marines during World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COHEN:

H.R. 1289. A bill to permit each State to have 3 statues on display in the United States Capitol; to the Committee on House Administration.

By Mr. COHEN:
H.R. 1290. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program for medically necessary dental procedures; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLE:
H.R. 1291. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes, and for other purposes; to the Committee on Natural Resources.

By Mr. CUELLAR:
H.R. 1292. A bill to amend the Clean Air Act to provide that greenhouse gases are not subject to the Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself, Mr. CICILLINE, and Mr. LANGEVIN):
H.R. 1293. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

By Mr. FATTAH (for himself, Mr. POLIS, Mr. GRIJALVA, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. HONDA, Mr. MEEKS, and Mr. JACKSON of Illinois):
H.R. 1294. A bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students; to the Committee on Education and the Workforce.

By Mr. FATTAH (for himself and Mr. HONDA):
H.R. 1295. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FORBES:
H.R. 1296. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself and Mr. KINGSTON):
H.R. 1297. A bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself, Mr. RUNYAN, Mr. ANDREWS, and Mr. SMITH of New Jersey):
H.R. 1298. A bill to direct the Secretary of Veterans Affairs to conduct cost-benefit analyses for the provision of medical care by the Department of Veterans Affairs in certain geographic areas served by multiple Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mrs. MILLER of Michigan (for herself, Mr. KING of New York, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. WALBERG, Mr. QUAYLE, Mr. ROGERS of Alabama, Mr. LONG, Mr. MCCAUL, Mr. WALSH of Illinois, Mr. POE of Texas, Mr. BILIRAKIS, Mr. WESTMORELAND, Mr. DUNCAN of South Carolina, Mr. CANSECO, Mr. DANIEL E. LUNGREN of California, Mr. COFFMAN of Colorado, and Mrs. MCMORRIS RODGERS):
H.R. 1299. A bill to achieve operational control of and improve security at the international land borders of the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. MURPHY of Connecticut (for himself and Mr. POE of Texas):
H.R. 1300. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:
H.R. 1301. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for the District of Columbia under the Medicaid Program to 75 percent; to the Committee on Energy and Commerce.

By Mr. QUIGLEY (for himself, Mr. PETERS, Mr. HIMES, and Mr. POLIS):
H.R. 1302. A bill to make the Federal budget process more transparent and to make future budgets more sustainable; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. HOLT, Ms. NORTON, Mr. MEEKS, Ms. MOORE, Mr. SCOTT of Virginia, and Mr. TOWNS):
H.R. 1303. A bill to posthumously award a Congressional gold medal to Shirley Chisholm; to the Committee on Financial Services.

By Mr. SABLAN:
H.R. 1304. A bill to amend the Small Business Jobs Act of 2010 with respect to the State Trade and Export Promotion Grant Program, and for other purposes; to the Committee on Small Business.

By Mr. SHULER:
H.R. 1305. A bill to prohibit Members of Congress, including the Delegates and the Resident Commissioner to the Congress, and the President from receiving pay during Government shutdowns; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:
H.R. 1306. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. PRICE of Georgia:
H.J. Res. 53. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of years Representatives and Senators may serve; to the Committee on the Judiciary.

By Mr. ROONEY:
H. Con. Res. 32. Concurrent resolution expressing the sense of Congress that the President should adhere to the War Powers Resolution and obtain specific statutory authorization for the use of United States Armed Forces in Libya; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts (for himself and Mr. SMITH of New Jersey):
H. Res. 193. A resolution calling on the new Government of Egypt to honor the rule of law and immediately return Noor and Ramsay Bower to the United States; to the Committee on Foreign Affairs.

By Ms. FUDGE:
H. Res. 195. A resolution expressing support for designation of the week of March 28, 2011, through April 1, 2011, as National Assistant Principals Week; to the Committee on Education and the Workforce.

By Mr. GIBSON:
H. Res. 196. A resolution supporting the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces who are serving overseas apart from their families and loved ones; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. POE of Texas:
H.R. 1277.
Congress has the power to enact this legislation pursuant to the following:
Article 1 Section 8 Clause 1

By Mr. SULLIVAN:
H.R. 1278.
Congress has the power to enact this legislation pursuant to the following:
Article IV, Sec 3, Clause 2
The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. CHAFFETZ:
H.R. 1279.
Congress has the power to enact this legislation pursuant to the following:
This law is enacted pursuant to Article I, Section 8, Clause 1, and the 4th and 14th Amendments to the U.S. Constitution.

By Ms. ROS-LEHTINEN:
H.R. 1280.
Congress has the power to enact this legislation pursuant to the following:
Article I, section 8, clause 18.

By Mr. RIBBLE:
H.R. 1281.
Congress has the power to enact this legislation pursuant to the following:
Clause 18 of Section 8 of Article 1 of the Constitution.

By Ms. EDWARDS:
H.R. 1282.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section I
''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''

By Mr. LATHAM:
H.R. 1283.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. BACA:

H.R. 1284.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution clauses 12, 13, 14, 16, and 18.

By Mrs. BACHMANN:

H.R. 1285.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section Eight, wherein it states ''Congress shall have power . . . to raise and support Armies.''

By Mrs. BACHMANN:

H.R. 1286.

Congress has the power to enact this legislation pursuant to the following:

This legislation returns to Congress its power to review this funding annually and exercise full oversight as defined by Article I Section 7 of the United States Constitution. Additionally, this bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance with Amendment X of the United States Constitution.

By Mr. BISHOP of Utah:

H.R. 1287.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BUTTERFIELD:

H.R. 1288.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. COHEN:

H.R. 1289.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

By Mr. COHEN:

H.R. 1290.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. COLE:

H.R. 1291.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8 which grants Congress the power to regulate Commerce with the Indian Tribes.

This bill is enacted pursuant to Article II, Section 2, Clause 2.

By Mr. CUELLAR:

H.R. 1292.

Congress has the power to enact this legislation pursuant to the following:

According to Article 1: Section 8: Clause 18: of the United States Constitution, seen below, this bill falls within the Constitutional Authority of the United States Congress.

Article 1: Section 8: Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ELLISON:

H.R. 1293.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4.

By Mr. FATTAH:

H.R. 1294.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution, which states the Congress shall have power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and general Welfare of the United States.

By Mr. FATTAH:

H.R. 1295.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution, which states the Congress shall have power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and general Welfare of the United States;

By Mr. FORBES:

H.R. 1296.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 and Article I, Section 8, Clause 18

By Mr. GOHMERT:

H.R. 1297.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the U.S. Constitution sets for the power of appropriations states that ''No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law . . . .''

In addition, Article I, Section 8, Clause 1 states that ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .''

Also, Article I, Section 8, Clauses 12 and 13 states that Congress shall have power ''[t]o raise and support Armies . . .'' and ''[t]o provide and maintain a Navy.''

Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds to ensure that U.S. servicemembers will not lose pay due to a funding gap.

By Mr. LoBIONDO:

H.R. 1298.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution

By Mrs. MILLER of Michigan:

H.R. 1299.

Congress has the power to enact this legislation pursuant to the following:

Preamble: Provide for the common defense

By Mr. MURPHY of Connecticut:

H.R. 1300.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Ms. NORTON:

H.R. 1301.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 18 of section 8 of article I of the Constitution.

By Mr. QUIGLEY:

H.R. 1302.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. RANGEL:

H.R. 1303.

Congress has the power to enact this legislation pursuant to the following:

Constitutional Authority of Congress to enact this legislation is provided by Article 1, section 8, clause 1, (relating to the general welfare of the United States) and clause 5 (relating to the coinage of money)

By Mr. SABLAN:

H.R. 1304.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States. Under Section 8, Congress may make laws necessary or proper for the execution of its powers.

By Mr. SHULER:

H.R. 1305.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clause 1 of Section 6 of Article I of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 1306.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 3.

By Mr. PRICE of Georgia:

H.J. Res. 53.

Congress has the power to enact this legislation pursuant to the following:

Article V whereby the U.S. Constitution may be altered.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, and Mr. BENISHEK.

H.R. 24: Mr. FILNER and Mr. PITTS.

H.R. 44: Ms. BALDWIN.

H.R. 58: Mr. SHULER and Mr. COLE.

H.R. 100: Mr. POSEY and Mr. SAM JOHNSON of Texas.

H.R. 104: Mr. CRENSHAW and Mr. LATHAM.

H.R. 157: Mr. RUPPERSBERGER.

H.R. 178: Mr. ALTMIRE.

H.R. 181: Mr. KISSELL, Mr. CUELLAR, and Mrs. HARTZLER.

H.R. 198: Mr. WHITFIELD.

H.R. 284: Ms. CHU and Mr. STARK.

H.R. 287: Mr. RUSH and Mrs. CAPPS.

H.R. 301: Mr. WOLF.

H.R. 303: Mr. RUNYAN, Mr. SHULER, and Mr. ROSS of Arkansas.

H.R. 308: Ms. BROWN of Florida.

H.R. 321: Mr. JOHNSON of Georgia.

H.R. 358: Mr. DUFFY and Mr. AMASH.

H.R. 400: Mrs. NAPOLITANO.

H.R. 412: Mr. HULTGREN, Mr. LUETKEMEYER, and Mr. OWENS.

H.R. 420: Mr. SHULER, Mr. COFFMAN of Colorado, Mr. TERRY, Mr. GINGREY of Georgia, Mr. CRITZ, Mr. HELLER, Mr. TIBERI, Mr. RAHALL, Mr. KISSELL, Mr. CARTER, Mr. SCALISE, and Mr. ROGERS of Alabama.

H.R. 456: Ms. FUDGE.

H.R. 459: Mr. CONYERS.

H.R. 472: Ms. HANABUSA.

H.R. 476: Mr. CANSECO.

H.R. 481: Mr. VAN HOLLEN.

H.R. 501: Ms. BORDALLO.

H.R. 529: Mr. MCDERMOTT.

H.R. 539: Mr. COURTNEY.

H.R. 595: Mr. GIBSON.

H.R. 615: Mr. SHULER.

H.R. 625: Mr. WOLF and Mr. RANGEL.

H.R. 651: Mr. DEFAZIO, Mr. JOHNSON of Illinois, Mr. RUSH, and Mr. WATT.

H.R. 663: Mr. BARLETTA and Mr. COFFMAN of Colorado.

H.R. 674: Mr. SCHOCK, Mr. OLSON, Mr. FILNER, Mr. CUELLAR, Mr. MANZULLO, Mr. JACKSON of Illinois, Mr. CHANDLER, Mr. ROE of Tennessee, Mr. LATOURETTE, Mr. SENSENBRENNER, and Mr. AUSTRIA.

H.R. 680: Mr. FORBES, Mr. MILLER of Florida, Mr. HARPER, Mr. KINGSTON, and Mr. KING of Iowa.

H.R. 683: Mr. COHEN, Ms. SUTTON, Mr. BRADY of Pennsylvania, and Ms. BROWN of Florida.

H.R. 687: Mr. GRIFFIN of Arkansas.

H.R. 692: Mr. FORBES.

H.R. 721: Mr. TIPTON, Mr. LATHAM, Mr. DENHAM, Mr. YARMUTH, Mr. CRITZ, and Mr. HANNA.

H.R. 725: Mr. TURNER, Ms. SUTTON, Ms. KAPTUR, Mr. RENACCI, and Mrs. SCHMIDT.

H.R. 729: Mr. LEWIS of Georgia.

H.R. 733: Mr. DONNELLY of Indiana, Mr. TIBERI, and Ms. TSONGAS.

H.R. 740: Mr. HOLDEN.

H.R. 745: Mr. FLORES.

H.R. 747: Mr. VAN HOLLEN.

H.R. 769: Mrs. LOWEY.

H.R. 791: Mr. BURTON of Indiana, Mr. MCGOVERN, and Mr. HARRIS.

H.R. 819: Mr. BOSWELL, Ms. BERKLEY, Mr. KISSELL, Mr. SCHRADER, Mr. BISHOP of New York, Mr. WELCH, Ms. SPEIER, Mr. DONNELLY of Indiana, Ms. PINGREE of Maine, Mr. COOPER, Ms. TSONGAS, and Mr. MATHESON.

H.R. 820: Ms. MATSUI, Mr. GENE GREEN of Texas, and Mr. BRALEY of Iowa.

H.R. 831: Mrs. MCCARTHY of New York.

H.R. 840: Mr. SESSIONS and Mr. RIGELL.

H.R. 875: Mr. POSEY.

H.R. 883: Mr. JOHNSON of Georgia, Ms. LINDA T. SÁNCHEZ of California, and Mr. COURTNEY.

H.R. 891: Mr. COURTNEY and Ms. RICHARDSON.

H.R. 895: Mr. DANIEL E. LUNGREN of California, Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. SHERMAN, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. BURTON of Indiana, and Mr. HUNTER.

H.R. 910: Mr. REED and Mr. HURT.

H.R. 927: Mr. VISCLOSKY.

H.R. 932: Mr. SAM JOHNSON of Texas.

H.R. 942: Mr. BOSWELL.

H.R. 951: Mr. FORBES.

H.R. 959: Mr. POLIS.

H.R. 977: Mr. UPTON.

H.R. 984: Mr. AUSTIN SCOTT of Georgia, Mr. TIPTON, Mr. COFFMAN of Colorado, and Mr. WALBERG.

H.R. 997: Mr. HELLER, Mr. COBLE, Mrs. CAPITO, Mr. LATHAM, Mr. ALTMIRE, Ms. JENKINS, Mr. PETRI, Mr. DUNCAN of South Carolina, and Mr. KING of New York.

H.R. 998: Ms. HANABUSA and Mr. BISHOP of New York.

H.R. 1003: Ms. BORDALLO.

H.R. 1006: Mr. POE of Texas.

H.R. 1013: Mr. COURTNEY.

H.R. 1016: Mr. CUMMINGS, Mr. HONDA, Ms. NORTON, and Mr. FILNER.

H.R. 1017: Mr. PASCRELL and Mr. FRANK of Massachusetts.

H.R. 1027: Mr. DOYLE, Mr. ROTHMAN of New Jersey, Mr. MCDERMOTT, Mr. FATTAH, and Mr. PASCRELL.

H.R. 1046: Mr. WOLF.

H.R. 1051: Mr. BURGESS.

H.R. 1054: Mr. WELCH.

H.R. 1058: Mrs. HARTZLER and Mr. PITTS.

H.R. 1061: Mr. MILLER of Florida, Mrs. BLACKBURN, Mr. CHAFFETZ, and Mrs. MYRICK.

H.R. 1063: Mr. ROSS of Florida and Mr. COBLE.

H.R. 1065: Mr. ROSS of Florida, Mr. OLVER, and Mr. KEATING.

H.R. 1075: Mr. ROE of Tennessee and. Mr. HENSARLING.

H.R. 1081: Mr. SENSENBRENNER, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. AL GREEN of Texas, Mr. THORNBERRY, and Mr. COURTNEY.

H.R. 1085: Mr. INSLEE.

H.R. 1090: Ms. HIRONO, Mr. OLVER, and Ms. ROYBAL-ALLARD.

H.R. 1092: Ms. BORDALLO, Mr. ROSS of Arkansas, Mr. PEARCE, Mr. KISSELL, and Mr. FILNER.

H.R. 1093: Mr. ROSS of Florida, Mr. SCALISE, Mr. SIMPSON, Mr. POE of Texas, Mr. JONES, Mr. CANSECO, Mr. TIBERI, Mr. FRANKS of Arizona, Mr. CRITZ, Mr. HELLER, Mr. GINGREY of Georgia, Mr. TERRY, Mr. COFFMAN of Colorado, Mr. BOREN, Mr. COLE, Mr. RAHALL, Mr. DINGELL, Mr. KISSELL, and Mr. SHULER.

H.R. 1100: Mr. GRIJALVA and Ms. HANABUSA.

H.R. 1106: Mr. ROTHMAN of New Jersey, Mr. RYAN of Ohio, Mr. BERMAN, and Mr. YARMUTH.

H.R. 1113: Ms. HANABUSA, Mr. MICHAUD, and Mr. JACKSON of Illinois.

H.R. 1119: Ms. SPEIER.

H.R. 1124: Ms. MCCOLLUM.

H.R. 1126: Mr. MACK.

H.R. 1147: Mr. MARCHANT.

H.R. 1154: Mr. BUCSHON and Mr. DENT.

H.R. 1161: Mr. STIVERS, Mr. OLSON, Mr. VISCLOSKY, Mr. BOUSTANY, Mrs. MILLER of Michigan, Mr. WILSON of South Carolina, and Mr. HINOJOSA.

H.R. 1164: Mr. KING of Iowa.

H.R. 1176: Ms. WOOLSEY.

H.R. 1182: Mr. NEUGEBAUER, Mr. PAUL, Mr. MANZULLO, Mr. WESTMORELAND, Mr. GARRETT, and Mr. PENCE.

H.R. 1186: Mr. HALL and Mr. BURGESS.

H.R. 1206: Ms. GRANGER.

H.R. 1207: Mr. TONKO.

H.R. 1211: Mr. MARINO and Mr. COFFMAN of Colorado.

H.R. 1212: Mr. DUNCAN of Tennessee, Mr. JONES, Mr. MCCLINTOCK, and Mr. GIBSON.

H.R. 1214: Mr. CHAFFETZ.

H.R. 1217: Mr. CHAFFETZ.

H.R. 1234: Mrs. MALONEY, Mr. LYNCH, Ms. MCCOLLUM, Mr. INSLEE, Ms. RICHARDSON, and Mr. LUJÁN.

H.R. 1250: Mr. BRADY of Pennsylvania, Mr. GEORGE MILLER of California, Mr. COHEN, Mr. ANDREWS, Mr. JONES, Ms. MCCOLLUM, and Mr. RAHALL.

H.R. 1252: Mr. ROSKAM, Mr. SCHRADER, Mr. YOUNG of Indiana, Mr. PETERSON, Mr. TIBERI, Mr. DENT, Mr. KINZINGER of Illinois, Mr. SCHOCK, Mr. POLIS, Mr. COSTA, Mr. QUIGLEY and Mr. WELCH.

H.R. 1255: Mr. SCHWEIKERT, Mr. FITZPATRICK, Mr. HECK, Mr. JOHNSON of Ohio, Mr. HELLER, Mr. NUGENT, Mrs. MCMORRIS RODGERS, Mr. WILSON of South Carolina, Mr. NUNNELEE, Mr. GUINTA, Mr. BISHOP of Utah, Mr. KINZINGER of Illinois, Mr. REED, Mrs. ADAMS, Ms. JENKINS, Mr. LAMBORN, Mr. QUAYLE, Mr. JONES, Mr. SCOTT of South Carolina, Mr. ROSS of Florida, Mr. DESJARLAIS, Mr. GRIFFIN of Arkansas, Mr. STEARNS, Mr. ROONEY, Mr. WEST, Mr. ROKITA, Mr. WESTMORELAND, Mr. COFFMAN of Colorado, Mr. MILLER of Florida, Mr. LATTA, Mr. YODER, Mr. PALAZZO, Mr. FLORES, Mr. LANDRY, Mr. CRAWFORD, Mr. SAM JOHNSON of Texas, Mr. KLINE, and Mr. BROUN of Georgia.

H.R. 1264: Mr. OLSON and Ms. JACKSON LEE of Texas.

H.R. 1266: Mr. TOWNS.

H.R. 1269: Mr. JACKSON of Illinois.

H.R. 1273: Mr. GONZALEZ, Mr. HINOJOSA, Mr. GUTIERREZ, and Ms. VELÁZQUEZ.

H.R. 1275: Mr. COURTNEY.

H.J. Res. 42: Mr. DAVIS of Kentucky and Mr. KLINE.

H. Res. 16: Mr. PITTS.

H. Res. 25: Mr. DENT, Mrs. NOEM, Mr. BRALEY of Iowa, Mr. PAUL, Ms. ESHOO, Mr. RAHALL, and Mr. DENHAM.

H. Res. 130: Ms. WOOLSEY.

H. Res. 137: Mr. PALLONE and Mrs. CAPPS.

H. Res. 159: Mr. LYNCH.

H. Res. 172: Mr. BURTON of Indiana.

H. Res. 180: Mr. PAYNE, Mr. ACKERMAN, Mr. VAN HOLLEN, and Mr. SARBANES.

H. Res. 184: Ms. BERKLEY, Mr. FARENTHOLD, Mr. FILNER, Mr. HARPER, Mr. MICHAUD, Mr. SABLAN, Mr. WALZ of Minnesota, Mr. GRIJALVA, Ms. WILSON of Florida, Mr. MCGOVERN, and Mr. COHEN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ISSA

The provisions that warranted a referral to the Committee on Oversight and Government Reform in H.R. 1255 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in H.R. 1255, the Government Shutdown Prevention Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

The provisions that warranted a referral to the Committee on Appropriations in H.R. 1255 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 1255, the Government Shutdown Prevention Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1081: Mrs. ELLMERS.