

## AVIATION

The nine-term Democrat has served on the House Transportation and Infrastructure Committee since he came to Congress in 1987, and has established a reputation as a leader on transportation issues in Congress.

Rep. DeFazio currently serves as the Ranking Democrat on the House Aviation Subcommittee. In his nearly 18 years on the Aviation Subcommittee, DeFazio has developed a reputation as an articulate and persistent advocate for the interests of the flying public.

Most notably, DeFazio worked on the "Aviation and Transportation Security Act" passed by Congress and signed into law in November 2001, after the terrorist attacks. The legislation improved the security of our nation's airports and airways by federalizing airport screeners, increasing the number of Federal Air Marshals, and improving bag screening at airports, among other things. He also authored an amendment which was incorporated into the bill, to allow all commercial airline pilots the option to be certified and armed.

A longtime advocate for airline passenger rights, DeFazio proposed the "Aviation Consumer Right To Know Act," with the goal of giving consumers improved access to information including airline ticket purchases, flight delays and seat availability. DeFazio authored an amendment included in the fiscal year 2002 Transportation Appropriations Act to establish the first-ever national toll-free customer complaint phone number at the Department of Transportation. He also introduced a bill to eliminate the dual mandate of the FAA to both promote safety and the economic interests of the commercial aviation industry, making safety the first and only priority of the FAA. A modified version of his legislation was enacted as part of the FAA reauthorization bill in 1996.

The senior Democrat has been a vocal advocate for maintaining and improving air service to small and medium sized communities. DeFazio secured approval of legislation he authored establishing a new grant program to help improve air service to small communities, as part of an FAA Reauthorization bill enacted in 2000. Most recently, DeFazio was able to increase authorization levels for the program from \$27.5 million to \$35 million in the 2003 FAA Reauthorization Act.

"DeFazio calls for better air quality on airliners"

The Register-Guard, 2/10/04

"DeFazio leads push to investigate safety after deadly airplane crash"

Albany Democrat-Herald, 5/2/04

"DeFazio Makes it Safer to Fly"

The Oregonian, 8/3/04

"The people of Oregon were well-served this year with the remarkable leadership of Rep.

Peter DeFazio, D-Springfield, during this year's effort to reject selling out the safety of our nation's skies to the lowest bidder... DeFazio's courage in standing up for what is right for the flying public is an inspiration."

Letter from John Carr, President, National Air Traffic Controllers Association, published in the Springfield News, 11/26/03

"DeFazio was also last week elected the ranking Democrat on the House's Aviation Subcommittee, where his work to make the nation's airlines safer began before the terrorist attacks 17 months ago."

The Register-Guard, 2/21/03

"DeFazio's efforts to protect the skies are extraordinary"

Springfield News, 11/26/03

"DeFazio helped save our air traffic control system"

Grants Pass Daily Courier, 12/2/03

"After Sept. 11, DeFazio surfaced as a key player on airline security, an area he's watched since entering Congress. DeFazio was one of three House Democrats who helped write a compromise bill creating a new transportation security agency and making all baggage screeners federal workers."

The Oregonian, 1/23/02

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**In the 108th Congress (2003-2004):**

► **As the ranking member of the House Aviation Subcommittee, DeFazio played an integral role in the development of H.R. 2115, Vision 100—Century of Aviation Reauthorization Act.** This important legislation continues the procedural protections of AIR-21 that ensure all the taxes and revenues coming into the aviation trust fund from passengers and pilots are fully spent and that capital programs are fully funded. **DeFazio was able to help secure at least \$24 million annually for Oregon in the bill for a total of \$101.5 million through 2007.** In addition, the legislation includes the following provisions supported by Rep. DeFazio:

1. Increases Airport Improvement Program (AIP) funding from \$3.4 billion to \$3.7 billion over the 4 year life of the bill.
2. Continues the Small Community Air Service Development Program and increases its authorization from \$27.5 million to \$35 million.
3. Directs FAA to undertake the studies called for in the National Academy of Sciences study of cabin air quality.

► **DeFazio was a leader in the effort to block language allowing the privatization of Air**

**Traffic Control services in Vision 100.** The House of Representatives included a ban on the privatization of air traffic controllers in its version of the FAA Reauthorization bill. The Senate included an even broader ban on the privatization of air traffic control functions to non-governmental entities in its version of the same legislation. Unfortunately, during the conference to reconcile the House and Senate bills, Republican Leaders decided to ignore what was passed in both chambers, instead inserting language in the final bill that would allow the FAA to privatize up to 69 control towers (including Hillsboro Airport in Oregon) and would only prevent the privatization of additional air traffic controllers through October 1, 2007. DeFazio was very disappointed with the inclusion of this controversial language into what is normally a non-controversial, bi-partisan bill and did not sign the conference report or vote for the bill when it came to the floor of the House. Unfortunately, the conference report did pass in the House with a vote of 211 to 207. After weeks of stalemate in the Senate over the privatization issue, the FAA Administrator finally sent a letter to Senators saying the FAA has no plans to privatize any part of the air traffic control system during the 2004 fiscal year. Once this letter was received, the Senate passed the conference report and it was sent to the President for his signature.

► After hearing complaints from cargo pilots that they had been left out of the Federal Flight Deck Officers Program, **DeFazio and Chairman Mica introduced H.R. 765, a bill that would allow cargo pilots (not just air passenger pilots) to participate in the Federal flight deck officer program.** This legislation was approved by the Aviation Subcommittee and was subsequently included in H.R. 2115, Vision 100.

► **In response to concerns expressed by DeFazio, the Transportation Security Administration issued three new security directives in July of 2004 that changed security screening procedures at U.S. airports and closed gaping loopholes in the nation's aviation security system.** TSA will now require that all airport vendor employees pass through security checkpoint screening just as passengers, pilots and flight attendants do before entering the sterile area of the airport. TSA will also require U.S. airports to reduce the number of doors behind security checkpoints used by airport and airline employees and enhance security for the few doors that remain operational. In addition, the agency will require enhanced background checks for workers in restricted areas.

► **DeFazio was an original co-sponsor of H.R. 5121, legislation that was introduced in response to the 9/11 Commission report and to further protect the United States aviation system from terrorist attacks.** This legislation, which was approved by the House Transportation and Infrastructure Committee in September 2004, includes several DeFazio authored provisions including: (1) doubling the mandatory funding for installation of in-line explosive detection systems, (2) \$60 million over two years to purchase explosive detection technology (such as trace portals) for use at security checkpoints, (3) requiring TSA to submit a report to Congress on airport perimeter security and the feasibility of screening all individuals prior to entry into secure areas of an airport, (4) a pilot program that would allow Federal Flight Deck Officers to carry weapons on their persons, (5) a requirement to report to Congress within six months on the costs and benefits of secondary flight deck barriers and whether they should be mandated, and (6) a study on the viability of discreet methods of

communication for flight deck cabin crew to notify pilots in the event of a security breach.

► After numerous hearings and briefings on the threat of Man Portable Air Defense Systems (MANPADS—also called shoulder-fired missiles), **Rep. DeFazio, Chairman Mica and Rep. Steve Israel introduced, H.R. 4056, the Commercial Aviation MANPADS Defense Act of 2004.** This legislation encourages the President to (1) pursue strong international diplomatic and cooperative efforts to reduce the number of MANPADS worldwide, (2) limit the transfer and proliferation of MANPADS, and (3) would expedite the Federal Aviation Administration airworthiness and safety certification process for countermeasure systems. H.R. 4056 was unanimously adopted by the House of Representatives in July 2004 and is currently awaiting action in the Senate.

► **Rep. DeFazio was an original co-sponsor of H.R. 1527, the National Transportation Safety Board Reauthorization Act of 2003,** which authorizes the activities of the NTSB from 2003-2006. This legislation includes a provision Rep. DeFazio requested that requires the Secretary of the Department of Transportation to provide annual reports to Congress and the NTSB containing the regulatory status of each of NTSB's significant safety recommendations (the Most Wanted List). This reporting requirement will help Congress monitor whether or not DOT is taking action to implement various NTSB recommendations. This legislation was signed into law in December of 2003.

► **DeFazio was an original co-sponsor of H.R. 2144, the Aviation Security Technical Corrections and Improvements Act of 2003.** This legislation included several provisions to improve aviation security including: a directive for TSA to improve equipment at passenger screening checkpoints so they will be able to detect plastic weapons and explosives, a pilot program for cargo security, a requirement for TSA to develop a trusted traveler program within 1 year, a study to identify and analyze security threats faced by U.S. airports, and a study to evaluate blast-resistance cargo container technology. This legislation was approved by the Transportation and Infrastructure Committee in June 2003, but was never considered by the full House.

► **DeFazio is an original cosponsor of H.R. 4914, the Aviation Biometric Technology Utilization Act.** This legislation directs TSA to develop guidance for the use of biometrics in airport access control systems within four months of enactment and authorizes additional funding for installation of biometric access control systems. In addition, the bill would require the development of a Law Enforcement Officer travel credential that includes biometric identifiers and is uniform across all Federal, State, and local government law enforcement agencies. This travel credential would be used to verify the identity of Federal, State or local law enforcement officers seeking to carry a weapon onboard an aircraft.

► **DeFazio obtained \$2 million in the House version of the fiscal year 2005 Transportation-Treasury Appropriations bill to construct an air traffic control tower at the North Bend Airport.** This bill was approved by the House of Representatives on September 22, 2004, and is awaiting approval by the Senate.

▸ **The fiscal year 2005 Transportation-Treasury Appropriations Act also includes, at DeFazio's request, \$1.25 million for the Eugene airport to install a category one Instrument Landing System on a new parallel runway.** This funding is in addition to the \$3 million included last year in the fiscal year 2004 Consolidated Appropriations Act (H.R. 2673) at the request of DeFazio. Of this latter funding, \$750,000 will be used to install a category one Instrument Landing System on a new parallel runway, the remaining \$2,250,000 will be used to help construct the new runway and make other improvements.

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**In the 107th Congress (2001-2002):**

▸ **DeFazio was a key player in Congress' efforts to improve aviation security following the September 11, 2001, terrorist attacks.** On September 14, 2001, DeFazio introduced H.R. 2895, legislation to federalize airport security screeners, expand the air marshal program, and restrict carry-on luggage. DeFazio was also a lead cosponsor of comprehensive security legislation, H.R. 3110, drafted with Ranking Member James Oberstar. **As a member of the Aviation and Transportation Security Act Conference Committee, DeFazio successfully pressed for inclusion of several provisions from H.R. 2895 and H.R. 3110, in aviation security legislation approved by Congress, including federalization of security screeners, securing cockpit doors, and expansion of the federal air marshal program. The final aviation security measure (S. 1447) was signed into law on November 19, 2001.**

▸ **DeFazio offered an amendment to H.R. 4635, the Arming Pilots Against Terrorism Act, to lift the two percent cap on the number of pilots who could be armed, thus allowing any eligible pilot to be armed.** The amendment also made the arming pilots program permanent and accelerated the training of qualified pilots. **The DeFazio amendment was approved 250-175 on July 10, 2002.** A procedural move by the top Democrat on the Transportation Committee forced a second vote on the amendment, which was then approved a second time 251-172. **The Senate followed DeFazio's lead and approved an amendment to allow the arming of pilots on September 5, 2002, by a vote of 87-6. A final version of the arming pilots provision was incorporated into the legislation, H.R. 5005, establishing the Department of Homeland Security.** H.R. 5005 was signed into law on November 25, 2002.

▸ During consideration of legislation to financially bail out airline companies, **DeFazio played a leading role in convincing the Democratic leaders negotiating the bill to include conditions on the assistance similar to those in previous bailouts of Chrysler, Lockheed-Martin, and the City of New York to ensure protection for federal taxpayers. The bailout legislation, H.R. 2926, was signed into law on September 22, 2001.**

▸ **DeFazio offered a motion during the floor debate on H.R. 2926 to include enhanced airport security measures and assistance for laid-off workers in the bill. The airport security measures were eventually approved in a separate bill, S. 1447, while the congressional leadership, despite promises to the contrary, refused to act on the assistance for aviation industry workers during the 107th Congress.**

▸ During the floor debate on H.R. 2299, the fiscal year 2002 Transportation Appropriations bill, **DeFazio successfully offered an amendment to provide \$720,000 to establish a toll-free airline consumer hotline at the Department of Transportation.** DOT currently compiles statistics and provides a report on customer complaints, but few airline passengers know how to contact the office to get help. This phone line will provide the traveling public and the airlines with a better measure of how well the airlines are providing customer service. **H.R. 2590 was signed into law on December 18, 2001.**

▸ **Through his position on the Aviation Subcommittee, DeFazio renewed his push for passenger rights. He introduced, H.R. 332, the “Aviation Consumer Right to Know Act,”** which would (1) require airlines to disclose all available fares and allow consumers to purchase any published fare from either the airline or a ticket agent (2) allow consumers to purchase back-to-back and hidden city tickets, (3) require airlines to disclose the number of seats available for frequent flyer travelers, (4) require airlines to disclose the reasons for a flight delay or cancellation (5) require airlines to disclose how long a plane is expected to be detained on the runway prior to departure, (6) require airlines to notify passengers of any cabin insecticide treatments, and (7) clarify that consumers may sue airlines in state court.

▸ **DeFazio continued his active opposition to massive airline mergers that stifle competition, including the merger between United and U.S. Airways.** DeFazio introduced, along with Representative Slaughter, H.R. 761, the “Airline Merger Moratorium Act,” legislation mandating a one-year moratorium on airline mergers. DeFazio testified before the House Energy and Commerce Committee about his concerns with the United/U.S. Airways merger. **Pressure from DeFazio and other Members of Congress, as well as the Department of Justice, led the two airlines to abandon their proposed merger in July 2001.**

▸ **DeFazio secured \$4 million in the fiscal year 2002 Transportation Appropriations Act (H.R. 2299) for an instrument landing system upgrade at the North Bend Airport.** Because of inclement weather, many flights in and out of North Bend are canceled or delayed, making air service unreliable. Improving the instrument landing system will allow pilots to land in lower visibility and reduce flight cancellations.

▸ **DeFazio supported legislation, H.R. 1979, the Small Airport Safety, Security, and Air Service Improvement Act of 2002, to help fund air traffic control towers for small airports. The legislation will allow small airports, such as North Bend, to use federal Airport Improvement Program (AIP) grants to construct and equip control towers.** Control towers improve the safety, security, and efficiency of small airports, and can lead to increased commercial service. **This legislation was approved by the House on June 20, 2002. The Senate did not act on it.**

▸ **DeFazio secured \$1 million in H.J. Res. 2, the fiscal year 2003 Omnibus Appropriations bill for an Air Traffic Control Tower at the North Bend Airport. H.J. Res. 2 was signed into law on February 20, 2003.**

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**In the 106th Congress (1999-2000)**

- ▶ DeFazio was a member of the conference committee negotiating the FAA Reauthorization bill, "AIR-21" (H.R.1000), legislation funding airport infrastructure improvements and FAA operations. The legislation was enacted into law on April 5, 2000. The law guarantees at least \$24 million annually for Oregon, double the old guarantee.
- ▶ Also as part of AIR-21, DeFazio secured approval of legislation he authored, H.R.907, establishing a new grant program to help improve air service to small communities and a provision to require the permanent marking of all used airline parts so they cannot be resold as new. The airline parts provision is designed to stem the trafficking in "bogus" airline parts, a serious threat to aviation safety. He also helped push through provisions to address problems at foreign repair stations and require cargo planes to install collision avoidance systems. The bill also included provisions DeFazio championed to protect animals traveling in cargo holds, following complaints that thousands of animals die or are lost or injured annually during airline transport.
- ▶ Led congressional effort to ensure the FAA promulgated regulations to protect the health and safety of flight attendants who, unlike most American workers, are not covered by OSHA. The FAA had failed to provide equal protections for flight attendants for the past twenty-five years. Proposed regulations were announced in December 2000.
- ▶ Co-sponsored H. R. 953, legislation to establish whistle-blower protections for airline employees who provide air safety information to authorities.
- ▶ Author of H.R.908, the "Aviation Consumer Right To Know Act," legislation to improve consumers' access to information about delays, cancellations, frequent flyer miles, and other policies of the airline industry. The legislation was the subject of two House Aviation Subcommittee hearings in March of 1999. DeFazio also authored legislation, H.R.2051, to require the Secretary of Transportation to investigate unreasonably high air fares or inadequate air carrier competition at airports at the request of the community served by that airport.

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**In the 105th Congress (1997-1998)**

- ▶ Co-sponsored H.R. 915, legislation to establish whistle-blower protections for airline employees who provide air safety information to authorities.

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**In the 104th Congress (1995-1996)**

- ▶ DeFazio introduced H.R. 3831, a bill making safety the first and only priority of the Federal Aviation Administration. Prior to 1996, the FAA had a dual and conflicting mandate to both promote safety and the economic interests of the commercial aviation industry. A

modified version of this bill was included in H.R.3539, the 1996 FAA Reauthorization bill, and enacted into law on October 9, 1996.

- ▶ Co-sponsored H. R. 3187, legislation to establish whistle-blower protections for airline employees who provide air safety information to authorities.

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#### **In the 103rd Congress (1993-1994)**

- ▶ DeFazio introduced H.Con.Res 307 a Sense of Congress Expressing that the U. S. delegation to the spring 1995 meeting of the facilitation division of the International Civil Aviation Organization should seek: (1) to amend the Convention on International Civil Aviation to end aircraft disinsection practices that threaten the health of aircraft passengers and crew; and (2) the support and cosponsorship of other member nations of the organization for that amendment.
- ▶ Cosponsored H. R. 14, the Flight Attendant Duty Time Act. This legislation directed the Secretary of Transportation to initiate a rulemaking proceeding to establish limitations on duty time for flight attendants and requires the Secretary to issue final regulations by a specified deadline.
- ▶ Cosponsored H. R. 2663, the Air Traffic Controller Incentive and Retention Act, which would attract and retain qualified air traffic controllers premium pay for Saturday work, and by raising the controller differential from 5 to 15 percent.

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#### **In the 102nd Congress (1991-1992)**

- ▶ DeFazio introduced H.R. 5268, a bill establishing various deadlines for FAA rulemaking and making available to the public any comments on proposed regulatory project or rule of the FAA.
- ▶ DeFazio also introduced H.R. 4688, the Airline Deregulation Federal Preemption Clarification Act of 1992. This legislation declared that provisions related to the prohibition against State regulation of rates, routes and services shall not apply to the transportation of cargo by a motor carrier even if the motor carrier is also an air carrier or a subsidiary or affiliate of an air carrier.

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#### **In the 100<sup>th</sup> Congress (1987-1988):**

- ▶ Introduced H. R. 2862, a bill directing the Administrator of the Federal Aviation Administration (FAA) to (1) conduct a study of screening methods used to detect dangerous weapons, explosives, and incendiary devices; and (2) report to the Congress on the study results.



- ▶ Co-sponsored a Rep. Foley bill, HR. 4014, to prohibit the manufacture or importation of plastic firearms that are undetectable by magnetometers. The bill would have required plastic guns to contain enough metal that they could be detected by airport security, and it would have required airports to have security checkpoints which were able to detect all existing firearms manufactured in or imported into the U. S.
- ▶ Co-sponsored a Rep. Mineta bill, H.R. 3051 (the Airline Passenger Protection Act of 1987), which included provisions to direct the FAA Administrator to establish a program requiring air carriers and foreign air carriers to conduct testing for the use of controlled substances by FAA employees and airline employees whose duties included safety-sensitive functions. The bill would also require air carriers to establish rehabilitation programs for employees who need assistance in resolving substance abuse problems.
- ▶ Co-sponsored Rep. Boxer's joint resolution, H.J. Res 370, directing the Secretary of Transportation to develop a system of airline safety indicators and to provide information to the public on a semiannual basis on the safety of certain air carriers.
- ▶ Co-sponsored H.R. 4023 and H.R. 4113, legislation to establish whistle-blower protections for airline employees who provide air safety information to authorities.
- ▶ Concerned that the frenzy of leverage buy-outs in the last 1980s had spread to the airline industry, DeFazio introduced H.R. 2891, legislation to prohibit acquisition of a controlling interest in an air carrier unless the Secretary of Transportation determines that the acquisition will not affect the air carrier's ability to conduct air transportation in a manner consistent with the highest degree of safety. This legislation would help ensure all airline mergers and acquisitions are in the best interest of the traveling public.