

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUMMARY OF OBERSTAR AMENDMENT TO H.R. 1586,
THE AVIATION SAFETY AND INVESTMENT ACT OF 2010
MARCH 25, 2010

The Oberstar amendment to H.R. 1586 includes the provisions of H.R. 915, the “FAA Reauthorization Act of 2009”, as passed by the House on May 21, 2009, and H.R. 3371, the “Airline Safety and Pilot Training Improvement Act of 2009”, as passed by the House on October 14, 2009.

The amendment includes two technical changes to these bills as passed by the House. First, the amendment changes the short title of the consolidated legislation to the “Aviation Safety and Investment Act of 2010”. Second, the amendment adds Title XI – Compliance with Statutory Pay-As-You-Go-Act of 2010. Section 1101 of Title XI provides that the budgetary effects of the amendment, for purposes of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the “Budgetary Effects” statement of the House and Senate Budget Committee Chairmen provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

The amendment includes no other changes to H.R. 915 and H.R. 3371, as passed by the House.

LEGISLATIVE HISTORY

During the 110th and 111th Congresses, the Subcommittee on Aviation of the Committee on Transportation and Infrastructure has held 20 hearings and five roundtable discussions relating directly to provision in the “Aviation Safety and Investment Act of 2010”.

In addition, the House has passed the FAA reauthorization bill in each of the 110th and 111th Congresses and passed H.R. 3371, the “Airline Safety and Pilot Training Improvement Act of 2009”, separately in the 111th Congress.

110th Congress

On June 27, 2007, Chairman James L. Oberstar introduced **H.R. 2881, the “FAA Reauthorization Act of 2007”**. On June 28, the Committee on Transportation and Infrastructure considered H.R. 2881. The Committee adopted an amendment to reform the FAA Personnel Management System that was agreed to by a recorded vote of 53 to 16.¹ The Committee also adopted an amendment on express carrier employee protection that was agreed to by a recorded vote of 51 to 18.² The Committee reported H.R. 2881 favorably to the House by voice vote. On September 20, 2007, the House debated, amended, and passed H.R. 2881. **The bill passed by a**

¹ The amendment required that, if the FAA and one of its bargaining units do not reach agreement, the services of the Federal Mediation and Conciliation Service shall be used or the parties may agree to an alternative dispute resolution procedure.

² The provision amends the Railway Labor Act (RLA) to clarify that employees of an “express carrier” shall only be covered by the RLA if they are employed in a position that requires them to be certificated under the Federal Aviation Regulations, such as mechanics or pilots, and they are actually performing that type of work for the express carrier. All other express carrier employees would be governed by the National Labor Relations Act.

recorded vote of 267-151. The Senate did not complete consideration of an FAA reauthorization bill in the 110th Congress.

111th Congress

On February 9, 2009, Chairman Oberstar introduced **H.R. 915, the “FAA Reauthorization Act of 2009”**. The bill included the provisions of H.R. 2881, as passed by the House in the 110th Congress, with minor modifications. On March 5, 2009, the Committee on Transportation and Infrastructure ordered H.R. 915 reported favorably to the House by voice vote. On May 21, 2009, the House debated, amended, and passed H.R. 915. **The bill passed by a recorded vote of 277 to 136.**

On July 29, 2009, Subcommittee on Aviation Chairman Jerry F. Costello introduced **H.R. 3371, the “Airline Safety and Pilot Training Act of 2009”**. On July 30, 2009, the Committee ordered H.R. 3371 reported favorably to the House by voice vote. On October 14, 2009, the House debated and passed H.R. 3371, as amended, under suspension of the Rules of the House. **The bill passed by a recorded vote of 409 to 11.**

FUNDING LEVELS

The amendment provides historic funding levels (**\$53.5 billion**) for FAA capital programs for fiscal years (FY) 2010 through 2012 including:

- \$12.3 billion for the Airport Improvement Program (AIP);
- \$10.1 billion for FAA Facilities & Equipment (F&E);
- \$30.3 billion for FAA Operations; and
- \$685.4 million for Research, Engineering, and Development (RE&D).

AIR TRAFFIC CONTROL MODERNIZATION AND NEXTGEN

- **Funding:** Provides \$10.1 billion for FAA F&E to accelerate the implementation of the Next Generation Air Transportation System (NextGen); enables FAA to make needed repairs and replace existing facilities and equipment; and provide for the implementation of high-priority safety-related systems.
- **Accountability:** Elevates the Director of the Joint Planning and Development Office to the status of Associate Administrator of NextGen within the FAA, reporting directly to the FAA Administrator. Imposes annual reporting requirements on NextGen-related deliverables; and includes provisions to ensure FAA vendor accountability for providing safe, quality services for automatic dependent surveillance broadcast (ADS-B) and flight service stations.

AIRPORTS

- **Passenger Facility Charge (PFC):** Increases the PFC cap from \$4.50 to \$7.00. According to the FAA, if every airport currently collecting a \$4.00 or \$4.50 PFC raised its PFC to \$7.00, it would generate approximately \$1.3 billion in additional revenue for airport development each year. Provides significant increases in AIP funding for smaller airports that are particularly reliant on AIP for capital financing.

SAFETY

- **Air Carrier Oversight:** Creates an independent Aviation Safety Whistleblower Investigation Office within the FAA; mandates a two-year “post-service” cooling-off period after FAA inspectors leave the FAA; requires principal supervisory inspectors to rotate between airline oversight offices every five years; and requires monthly reviews of the Air Transportation Oversight System database to ensure that trends in regulatory compliance are identified and appropriate corrective actions taken.
- **Implementation of National Transportation Safety Board Recommendations:** Requires the FAA to ensure that pilots are trained on stall and upset recovery, and that airlines provide remedial training.
- **Pilot Qualifications:** Requires airline pilots to hold an Airline Transport Pilot (ATP) certificate (1,500 minimum flight hours required). Requires the FAA to raise the minimum requirements for the ATP certificate. Requires pilot training for effective performance in: an air carrier operational environment; adverse weather conditions, including icing; high-altitude operations; and a multi-pilot crew. Enables the FAA to consider allowing certain academic training hours that may increase the level of safety above the minimum requirements to be counted towards the 1,500-hour ATP certificate requirement.
- **Pilot Records Database:** Creates a Pilot Records Database to provide airlines with fast, electronic access to a pilot’s comprehensive record. Information in the database will include: pilot licenses, aircraft type ratings, check rides, notices of disapproval, other flight proficiency tests, and State motor vehicle driving records.

ENVIRONMENT

- **CLEEN Engine and Airframe Technology Partnership:** Directs the FAA to enter into a 10-year cooperative agreement with an institution, entity, or eligible consortium to carry out a program for the development, maturing and certification of continuous lower energy, emissions and noise (CLEEN) engine and airframe technology to reduce aircraft environmental impacts and energy usage.
- **Prohibition on Stage II Aircraft:** Requires, within five years, all civil subsonic aircraft under 75,000 pounds to meet stage 3 noise levels within the 48 contiguous states, with limited exceptions for certain temporary operations.

SMALL COMMUNITIES

- **Essential Air Service (EAS) & Small Community Air Service Development (SCASD) Program Financing:** Increases EAS funding annually from \$127 million to \$200 million and extends SCASD through FY 2012 at the current authorized funding level of \$35 million per year.