

TRANSPORTATION WEEKLY

UPDATE – HOUSE PASSES AVIATION REAUTHORIZATION BILL

THURSDAY, MAY 21, 2009 – 5:55 P.M.

The House of Representatives has passed the bill H.R. 915, which would reauthorize the programs of the Federal Aviation Administration for the next three fiscal years, by a vote of 277-136.

The general debate on the bill echoed the debate in the Transportation and Infrastructure Committee's markup of the bill and the debate before the Rules Committee yesterday, with Republicans supporting most of the bill but objecting to provisions that would sunset antitrust immunity for airlines with codesharing agreements, that would require FAA inspection of foreign aircraft repair facilities that might provoke retaliatory trade problems with the EU, and that might serve to pre-dispose the ongoing negotiations between the FAA and its air traffic controllers.

Debate on amendments was largely anticlimactic, since T&I Chairman James Oberstar (D-MN) did a good job of working with the House Rules Committee to prevent any significant or controversial amendments from being allowed to be offered. The following amendments were offered pursuant to the rule:

1. Oberstar (MN) manager's amendment – agreed to by voice vote.
2. Lee (NY) amendment requiring a GAO audit of airline pilot training programs – agreed to by voice vote.
3. Richardson (CA) amendment requiring a DOT rulemaking on airline text message updates – agreed to by voice vote.
4. Burgess (TX) amendment expressing the sense of Congress on FAA whistleblower protection – agreed to by recorded vote of 420 yeas, zero nays.

5. Cuellar (TX) amendment, as modified, requiring an FAA study of radar signal effects on energy technologies – agreed to by voice vote.
6. McCaul (TX) amendment prohibiting FAA funds from being used to name a project or program after a current Member of Congress – agreed to by recorded vote of 417 yeas, 2 nays.
7. Murphy (CT) amendment relating to appraisals of property purchased with AIP funds – agreed to by voice vote.
8. Cassidy (LA) amendment requiring the IG study to include the effect that limited carrier operations have on delays and cancellations – agreed to by voice vote.
9. Kilroy (OH) amendment requiring a GAO study of smoke mitigation on flights – agreed to by voice vote.
10. Frelinghuysen (NJ) amendment requiring a FAA study of NY-NJ-Philadelphia airspace redesign – offered and withdrawn.
11. Lowey (NY) amendment directing a FAA rulemaking relating to whether the Westchester County airport can re-impose overnight flight restrictions – agreed to by voice vote.
12. Ackerman (NY) requiring the FAA to declare the College Point Marine Transfer Station (near LaGuardia airport) to be a hazard to air navigation – agreed to by voice vote.

Under House rules, at the end of all debate, the minority party has the right to offer one germane amendment in the form of a motion to recommit, and the minority does not have to reveal the content of the amendment before the moment it is offered. At the end of debate on H..R. 915, Rep. John Campbell (R-CA) offered a motion to recommit to include an amendment that would cut off the John P. Murtha-Cambria County airport in Johnstown, Pennsylvania from the \$1.4 million in Essential Air Service subsidies that the sole airline serving that airport, currently

receives from the U.S. Department of Transportation in exchange for providing one round-trip flight a day, six days a week, to and from Washington DC. (Those six flights per week are the only commercial service that the airport currently has.) The airport also has received over \$150 million in federal capital payments over the years

Oberstar denounced the Campbell motion as an “assault on rural America” and when that statement met with derisive laughter from the Republican side of the aisle, Oberstar raised the veiled threat of asking members to imagine what will happen if the motion is successful and other amendments are offered in future bills to single out and cut off the EAS subsidies for the 100+ other communities that are only able to maintain commercial air service via federal subsidy.

The House defeated the Campbell motion by a mostly party-line vote of 154 yeas, 263 nays.