

HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE MARKUP OF H.R. 4441, THE AVIATION INNOVATION, REFORM AND REAUTHORIZATION ACT

AMENDMENT LOG – Final

The Committee on Transportation and Infrastructure ordered H.R. 4441, as amended, favorably reported to the House at 7:45 p.m. on February 11, 2016 by a roll call vote of 32 yeas to 26 nays. The following amendments were offered during the markup.

(All page and line numbers in amendment text refer to [this version of H.R. 4441](#). The text of all amendments can be found [here](#).)

Shuster (PA) manager's amendment #62 – Strikes section 106 of the bill (which repeals FAA's ability to levy the overflight fees that currently pay for the mandatory component of Essential Air Service subsidies); requires a specific cost-benefit ratio calculation for the contract tower program; strikes the ability of the ATC Board to waive conflict-of-interest rules; adds fractionals to the definition of "noncommercial aircraft operation" in the proposed §90311(h); includes all Alaska and Hawaii air taxis in the exempt-from-fee list in the proposed §90311(h); exempts Alaska and Hawaii ATC equipment from sale; directs FAA to facilitate safe UAS operations in support of utility service restorations; prohibits the use of drones within 500 feet of amusement rides; adds a new 49 USC §45509 directing FAA to issue a final rule regarding drone use near chemical facilities and oil refineries; adds a new section to the bill directing FAA to plan for early introduction of drones weighing more than 1,320 pounds to the airspace system; strikes section 531 of the bill (EAS reform waiver); amends sec. 532 to lower EAS authorizations from the general fund in FYs 2020-2022 (to reflect the elimination of section 106, above); provides that the lithium battery rulemaking required by section 615(c) of the bill is exempt from the rules in section 828 of the 2012 FAA reauthorization law; and strikes the ICAO harmonization restriction in sec. 615(c) – *agreed to by voice vote*.

Shuster (PA) manager's amendment #61 – allows an unnamed airport to collect up to \$120 million in PFCs through 2026; adds engine and equipment manufacturers to serve on the Advisory Committee in sec. 302; amends the ODA delegation provision in section 312; strikes section 331(c)(7) of the bill; and amends the UAS test range extension in section 433 of the bill from 5 years to 6 years – *agreed to by voice vote*.

DeFazio (OR) #57 – strikes title II of the bill (ATC corporatization) and replaces it with provisions that take the Airport and Airway Trust Fund off-budget and directs FAA to undertake new procurement and personnel system reforms – *rejected by roll call vote of 25 yeas, 34 nays*.

Duncan (TN) #33 – requires the ATC Board of Directors to establish a compensation committee and set its compensation structure in its bylaws – *agreed to by voice vote*.

Norton (DC) #71 – adds a new section to the bill amending 49 U.S.C. §41707 to ban the use of e-cigarettes on planes (defined as “a device that delivers nicotine or other substances to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking” – *agreed to by roll call vote of 33 yeas, 26 nays.*

Mica (FL) #26 – promotes the use of synthetic vision systems and enhanced vision systems – *agreed to by voice vote.*

Nadler (NY) #50 – requiring DOT to issue regulations directing airlines to establish policies to ensure, to the extent practicable, that families that purchase tickets for a flight are seated together – *rejected by roll call vote of 28 yeas, 30 nays.*

Barletta (PA) #57 – increases contract authority for the Airport Improvement Program by an average of \$174 million per year (\$1.042 billion over six years) – *agreed to by roll call vote of 47 yeas, 12 nays.*

Johnson (TX) #68 (as revised) – increases the maximum allowable passenger facility charge (PFC) charged by airports from \$4.50 to \$6.47 and index it thereafter for inflation – *offered and withdrawn.*

Farenthold (TX) #47 – amends 49 U.S.C. 49109 to increase the Reagan National Airport “perimeter rule” maximum nonstop flight distance from 1,250 nautical miles to 1,425 nautical miles – *offered and withdrawn.*

Capuano (MA) #41 – adds a new section 419 to the bill requiring that flight attendant rest period rules be synchronized with the rules for pilots (10 hours off following a duty period of 14 hours or less) – *agreed to by voice vote.*

Gibbs (OH) #18 – amends the proposed 49 U.S.C. §90305 to be created by the bill to add an airport representative to the ATC Corporation Nominating Membership – *rejected by voice vote.*

Napolitano (CA) #22 – strikes section 611 of the bill (rest breaks for California CMV operators) – *rejected by roll call vote of 27 yeas, 31 nays.*

Ribble (WI) #34 – adds a new title VII to the bill, the FAA REINS Act to provide for Congressional review of FAA rulemaking – *offered and withdrawn.*

Lipinski (IL) #80 – amends 49 U.S.C. 40117(d) to provide that DOT can only approve a PFC request for airside projects if the airport promises that contracts will be awarded consistent with chapter 11 of title 40 U.S.C. – *offered and withdrawn.*

Perry (PA) #56 – amends 49 U.S.C. §47112(b) to provide that the prevailing wage provision (Davis-Bacon) only applies to projects costing over \$150,000 instead of over \$2,000 – *rejected by roll call vote of 22 yeas, 37 nays.*

Cohen (TN) #88 – requires DOT to issue a rule establishing minimum dimensions for airline passenger seats that DOT determines “are necessary for the safety and health of passengers” (as defined in 49 U.S.C. §40102(a) – *rejected by a roll call vote of 26 yeas, 33 nays.*

Davis (IL) #38 as revised – adds a new 49 U.S.C. §45509 establishing a new “micro UAS” class of UAS weighing under 4.4 pounds including cargo – *agreed to by voice vote.*

En bloc package agreed to by voice vote:

- **Garamendi (CA) #85** – amends 49 U.S.C. §46504 to extend the criminal penalties for interfering with flight crew and attendants to include incidents in airports.
- **Costello (PA) #18** – amends 49 U.S.C. 42301 to define “excessive tarmac delay” as more than 3 hours after the doors close for domestic flights and 4 hours for international flights.
- **Sanford (SC) #51** – requires the FAA to recognize community-based organizations in re UAS consultations.
- **Gibbs (OH) #17** – requires FAA to issue UAS permits if the Administrator determines the UAS and its operation achieve a level of safety equivalent to other approved systems.
- **Hardy (NV) #32** – replaces the word “technologies” with “and beyond line of sight systems” in section 433 of the bill.
- **Bustos (IL) #22** – adds a new sec. 127 to the bill expanding veterans hiring preferences with reference to specific recent military operations.
- **Comstock (VA) #29** – adds a new section to the bill requiring DOT to make a final investment decision for implementation of reduced oceanic separation capability.
- **Esty (CT) #74** – expresses the sense of Congress regarding women in aviation.
- **Graves (LA) #29** – increases the annual authorization for small community air service in 49 U.S.C. §41743(e)(2) from \$5 million per year to \$6 million per year.
- **Brownley (CA) #40** – adds a new sec. 442 to the bill allowing for civil fines of up to \$25,000 for operating a drone that interferes with wildfire suppression efforts.
- **Costello (PA) #21** – adds a new section requiring a FAA rulemaking on the types of emergency medical kits that must be carried on airliners.
- **Crawford (AR) #51** – amends sec. 415 or the bill to define the base of a covered tower.

Carson (IN) #31 – requires the FAA to issue an order requiring the installation of secondary cockpit barriers – *agreed to by voice vote.*

Sanford (SC) #41 – adds a new section requiring the FAA to issue rules to ensure that all private pilots may communicate with the public, in any manner the person deems appropriate, to facilitate a covered flight – *agreed to by voice vote.*

Hahn (CA) #59 – requires the FAA to force air carriers to conduct its emergency evacuation tests to include a seat pitch of 28 inches – *rejected by a roll call vote of 26 yeas, 33 nays.*

Rokita (IN) #s 35 and 40 en bloc – would require the ATC Corporation Board to have a unanimous vote to approve user charges and fees and to adjust airspace access on a temporary basis except in matters of national security – *rejected by a roll call vote of 27 yeas, 32 nays.*

Cohen (TN) #90 – amends 49 U.S.C. §40116(d) to change the ability of localities to tax commercial businesses located at commercial service airports unless the taxes are wholly utilized for airport or aeronautical purposes – *offered and withdrawn.*

Brownley (CA) #39 – requires DOT to require airlines to train their personnel to detect signs of human trafficking – *agreed to by voice vote.*

Babin (TX) #83 – adds a legislative veto provision to the proposed 49 U.S.C. §90311 that can overturn a fee schedule proposed by the ATC Corporation (a fee schedule cannot become effective for 90 days, and if a joint resolution disapproving the schedule is enacted into law during that time, the schedule cannot become effective at all) – *agreed to by voice vote.*

DeFazio (OR) #65 – repeals section 828 of the 2012 FAA reauthorization law (which prohibits the FAA from setting safety standards for carriage of lithium batteries on airplanes that are more stringent than ICAO standards) – *rejected by roll call vote of 25 yeas, 33 nays.*

Garamendi (CA) #87 – adds a new section to the bill directing the FAA to implement a point of sale registration system for drones – *rejected by voice vote.*

Norton (DC) #72 – directs the FAA, within one year of enactment, to issue regulations allowing commercial heliport operations within the Washington DC flight restricted zone – *rejected by voice vote.*

Curbelo (FL) #43 – expresses the sense of Congress that drones can be used to fight WHO-declared disease emergencies and adds a new section to the bill exempting public UAS systems from line-of-sight requirements if used for purposes of mosquito eradication – *offered and withdrawn.*

Comstock (VA) #28 – gives the FAA authority to issue or update insurance requirements for private space launches relating to the inclusion of government property – *agreed to by voice vote.*

Capuano (MA) # 42 – amends 29 U.S.C. §2611 to establish minimum leave requirements for railroad hours of service employees – *offered and withdrawn*

Farenthold (TX) #49 – prohibits U.S. and foreign air carriers from bringing refugees to the United States for three years from the date of enactment – *rejected by voice vote.*

Napolitano (CA) #21 (revised) – requires that excise taxes on aviation fuels must be spent on airport uses but specifically exempts local sales taxes – *rejected by voice vote.*

Gibbs (OH) #16 – adds a representative of fractional ownership aircraft to the ATC Corporation Nominating Members – *offered and withdrawn.*

Lipinski (IL) #88 – requires states to keep their pre-2015 standards for airport development at primary airports unless USDOT approves new standards – *offered and withdrawn*.

Duncan (TN) for Cohen (TN) #91 – adds a new section to the bill to require cost-benefit analysis for any FAA rulemaking in the obstruction evaluation aeronautical studies proposed in the Federal Register on April 28, 2014 – *agreed to by voice vote*.

Sanford (SC) #42 – adds a new section to the bill to repeal 49 U.S.C. §47136a (zero-emission airport vehicles and infrastructure) – *agreed to by voice vote*.

Hahn (CA) #57 – requires airlines to post their customer complaint phone numbers in a “prominent place” on their websites – *agreed to by voice vote*.

Rokita (IN) #41 – allows complaints against ATC Board decisions reducing aviation access to be filed with an administrative law judge – *offered and withdrawn*.

Perry (PA) #57 – adds a new 49 U.S.C. §45509 to require a new DOT rulemaking within 1 year of enactment to authorize the carriage of properties by small UAS for hire within the U.S. – *agreed to by a roll call vote of 36 yeas, 22 nays*.

DeFazio (OR) #62 - requires that any conveyance of air traffic control assets shall only be for fair market value at highest and best use – *rejected by roll call vote of 24 yeas, 34 nays*.

Sanford (SC) #46 – ensures that drone manufacturers have a seat on the ATC Advisory Board – *agreed to by voice vote*.

Lipinski (IL) #82 - prohibits airlines from charging fees from airplane lavatory access, prevents airlines from charging change fees to passengers who want to get off planes that are allowed to take off with non-functioning lavatories – *agreed to by voice vote*.

Lipinski (IL) #84 – adds a new section to the bill amending 49 U.S.C. §40110(d) to change requirements for direct agency procurement reporting – *agreed to by voice vote*.

Lipinski (IL) #87 – amends sec. 507 of the bill to change the requirement for the airline to refund baggage fees for delayed baggage from a 24-hour delay to a 12-hour delay – *offered and withdrawn*.

Curbelo (FL) #45 – amends 49 U.S.C. §41712 to require airlines to advertise base airfares separately from government-imposed taxes and fees – *agreed to by voice vote*.

Curbelo (FL) #46 – requires DOT and DHS to ensure that insurance companies can use drones in disaster-impacted areas for the purpose of conducting insurance assessments, expediting repairs and expediting claims – *agreed to by voice vote*.

Ribble (WI) #36 – adds a seat on the FAA Advisory Committee for Aviation Consumer Protection for representatives of independent distributors of travel (Travelocity, Orbitz, Priceline, Kayak, etc.) – *agreed to by voice vote*.

Huffman (CA) #135 – expresses the sense of Congress that anthropogenic climate change is real and the FAA should exercise leadership in reducing aviation greenhouse gas emissions – *rejected by a roll call vote of 28 yeas, 30 nays.*

Nolan (MN) #52 – requires the FAA to carry out reimbursable fee agreements for construction and alteration when state DOTs have engineering experience and comply with FAA standards – *agreed to by voice vote.*

Barletta (PA) #54 (revised) – adds a new section to the bill requiring FAA to issue a RFP within 180 days of enactment for a study of Type I and Type III glass beads applied to line marking – *agreed to by voice vote.*

Webster (FL) #18 – amends 49 U.S.C. §40117(l) to allow all airports to participate in the expedited PFC approval process, even the 30 largest airports – *agreed to by a roll call vote of 54 yeas, 3 nays.*

Costello (PA) #20 directs FAA to convene an advisory committee to regulate part 135 pilots – *offered and withdrawn.*

Gibbs (OH) #20 – allows a representative of any pilots union (not just the largest such union) a seat on the ATC Corporation Nominating Members – *agreed to by voice vote.*

En bloc package agreed to by voice vote

- **Rokita (IN) #38** – exempts the aircraft registry office in Oklahoma City exempt from government shutdowns.
- **Rokita (IN) #37** – directs the FAA to maintain a sufficient number of examiners in all regions of the country to perform check rides and re-certifications in a timely manner.
- **Rokita (IN) #39** – requires the FAA to report on the sufficiency of its inspectors in its natural resource programs.
- **Graves (MO) #49** – adds a new 49 U.S.C. §90904 requiring the ATC Corporation to report to Congress every 2 years on the state of air traffic control services.
- **Graves (MO) #46** – adds representatives of general aviation owners, operators and users and of aerospace manufacturers to the ATC Corporation Nominating Members.

(Updated on February 12 to add that Rokita #39 was included in the final en bloc package and to reflect that Shuster #62 struck section 106 of the bill.)