



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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February 11, 2009

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SUMMARY OF SUBJECT MATTER

TO: Republican Members of the Committee on Transportation and Infrastructure

FROM: Republican Aviation Subcommittee Staff, Committee on Transportation and Infrastructure

SUBJECT: Minority Views – H.R. 915 - FAA Reauthorization Bill of 2009, February 11, 2009, 2:00 PM, 2167 Rayburn

PURPOSE OF HEARING

The primary mission of the Federal Aviation Administration (FAA) is to oversee the safety and efficiency of the National Airspace System (NAS). Every three to five years, Congress reauthorizes the FAA's funding and programs. The reauthorization includes not only authorizing funding levels for FAA operations, facilities and equipment, research and development and Airport Improvement Program (AIP) accounts, but it also sets forth important changes to FAA's mandates and programs.

SUMMARY OF FACTS

In 2007, the Committee on Transportation and Infrastructure introduced a bipartisan FAA Reauthorization bill, (H.R. 2881). Unfortunately, the Majority thereafter put forth amendments to the bill both through Committee mark-up and a partisan Manager's Amendment on the House Floor that resulted in a veto-threat by the former Administration. In addition, these partisan amendments resulted in 151 Republicans voting against final passage of the FAA Reauthorization bill, a veto-sustaining margin. At the same time, the Senate was unable to pass an FAA bill. Therefore, the FAA remained unauthorized throughout the 110th Congress. Instead, Congress passed a series of short-term extensions, the most recent of which will expire at the end of March 2009.

On February 9, 2009, the Democrats introduced a revised FAA bill that is substantially similar to the House-passed version of H.R. 2881. Despite the Minority's efforts to engage the Majority, H.R. 915, the FAA Reauthorization bill of 2009 was drafted without Minority consultation or participation.

ANALYSIS

Given that H.R. 915 is substantially the same as H.R. 2881, there are a number of provisions for which the Minority has concerns. These concerns were shared with the Majority at the beginning of the 111th Congress in order to assist the Majority as they prepared to reintroduce the Federal Aviation Reauthorization bill (FAA bill) with adjustments.

First, the Minority continues to have grave concerns with the FAA personnel management provision which would void the 2006 air traffic controller contract at significant cost to taxpayers, provide unprecedented reach back pay to air traffic controllers, and create a binding arbitration process. The Minority is fully supportive of establishing a binding arbitration process for all FAA employees for future negotiations. However, given the change of circumstances since original passage of H.R. 2881 in 2007, both economically and politically, the Minority believes that this provision deserves careful examination.

The Minority believes that at a time of massive lay offs and job losses in all areas of the economy, including the aviation sector, and enormous Federal deficits, the compensation reach back provision passed by the House last Congress is unacceptable in fairness to other FAA and Federal employees, and to the taxpayers. The Minority strongly believes that the Committee should closely review the NATCA provision and make adjustments that are equitable to the balance of Federal employees as well as the over 30,000 other FAA employees. In the almost two years since House consideration and passage of H.R. 2881, the potential cost of this provision has dramatically risen. The current average annual air traffic controller salary with benefits is \$166,100. At a time when U.S. taxpayers are making tough decisions to balance their household budgets, the Minority believes we must ensure that the Federal Government makes the same sound fiscal decisions.

Second, the Minority thinks that the provision related to Overseas Repair Stations must be reviewed to ensure that it does not violate bi-lateral agreements and that it will not risk retaliatory actions by foreign governments against U.S. air carriers. The ramifications of such action by foreign governments cannot be ignored, especially given the current state of the airline industry.

Third, the Minority believes that some of the requirements set forth in H.R. 2881, such as the notification requirements for use of insecticides in passenger aircraft, occupational safety and health standards for flight attendants on board aircraft, and aircraft rescue and firefighting standards, must be reviewed to understand their real implications. It is incumbent on the Committee to ensure that all such requirements are practical and any unintended consequences are eliminated.

Finally, there are provisions that were in H.R. 2881 that have not been subject to public hearings, discussion or debate. Included among these are the express carrier employee protection and the air carrier citizenship provisions. The Minority encourages the Majority to allow regular Committee consideration of these important issues.

The Minority agrees that it is vital that Congress reauthorize the Federal Aviation Administration in order to enable the Agency to move forward with the important tasks ahead. The Minority believes that this must be done in a thoughtful, deliberate and bipartisan fashion, taking into consideration the new realities facing the FAA, aviation industry, and American taxpayer.

WITNESSES

MEMBER PANEL

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PANEL I

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National Business Aviation Association

Mr. Roger Cohen
President
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Mr. Craig Fuller
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Mr. Clayton M. Jones
Chairman, President and CEO
Rockwell Collins
and on behalf of
General Aviation Manufacturers Association (GAMA)
Aerospace Industries Association (AIA)
Aeronautical Repair Station Association (ARSA)

PANEL III

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National Air Traffic Controllers Association

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