

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

March 31, 2011

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges Congress to reauthorize federal aviation programs. H.R. 658, the "Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011" is an important step toward achieving this goal. The Chamber strongly supports several provisions of H.R. 658 and provisions expected to be included in the manager's amendment. However, the Chamber strongly opposes amendments that have been filed regarding lithium-ion batteries and repeal a National Mediation Board rule and supports an amendment to improve the FAA rulemaking process.

Improving and modernizing the air traffic control system, which is at the heart of America's aviation woes, must be a national priority. The U.S. aviation system must transform to meet the expected 36 percent increase in fliers by 2015 by expediting air traffic control modernization and providing the necessary investment to increase national aviation system capacity. Moreover, investment in America's transportation system is important to U.S. productivity and economic competitiveness in the long run, and investment in transportation infrastructure supports jobs in the near term.

The Chamber supports several policy related provisions of H.R. 658 and the manager's amendment that would:

- Strengthen the ability of FAA to implement the policies, procedures and technologies needed to fully implement the Next Generation Air Traffic Control system (NextGen).
- Assist the aviation community with aircraft equipage necessary to move NextGen forward. Without ensuring that air infrastructure—advanced technologies installed in aircraft, commonly referred to as equipage—is aligned with ground infrastructure, the benefits of NextGen cannot be realized fully and the return on the investment in the air transportation system will be delayed. Because of the significant costs associated with aircraft equipage, assistance is needed. According to the Air Transport Association, the equipage cost for ADS-B could total between \$3.5 and \$5 billion. For the aviation community to benefit from these technologies, the FAA must implement more efficient routings and changed procedures and provide federal funding assistance to achieve implementation of such a requirement.

- Preserve the effective and efficient Block Aircraft Registration Request (BARR) program, which allows business aircraft operators with privacy or security concerns for their operations to request that Aircraft Situation Display to Industry (ASDI) data provided to the Federal Aviation Administration be blocked from public dissemination. These requests are routinely honored, and FAA has provided no data to demonstrate that changes to the BARR program are necessary.

With respect to funding levels, the Chamber strongly support provisions of the bill that would provide a robust General Fund contribution to aviation programs. Historically, the general fund has been used to pay for a significant portion of the FAA's costs, which provides an important public interests including: national defense; emergency preparedness; postal delivery; medical emergencies; and full implementation of a national passenger and freight air transportation system.

However, the Chamber is concerned with overall reduced funding levels in H.R. 658. Of particular concern are cuts to the Airport Improvement Program. The Airport Improvement Program is an important source of funding for capital projects and contributes to safe, secure, and efficient airport facilities. The proposed funding levels fall short of the amounts needed to maintain, modernize and expand critical aviation infrastructure. In addition, decreased funding for this program would reduce jobs supported by these projects. We urge Congress to address this important issue during the conference.

The Chamber is concerned with several amendments that may be considered during floor debate of H.R. 658 related to:

- **FAA Rulemaking:** The Chamber strongly supports an amendment filed by Rep. Shuster that would require FAA to consider different industry segments in its rulemaking proceedings and to perform comprehensive cost-benefit analyses. FAA practice in certain rulemakings has been to overlook significant operational differences within the industry and promulgate rules that impose substantial costs without producing commensurate benefits.
- **National Mediation Board:** The Chamber strongly opposes an amendment filed by Rep. LaTourette that would remove Section 903 of H.R. 658. This section of the bill would repeal recent revisions the National Mediation Board made to its regulations concerning union organizing under the Railway Labor Act. The National Mediation Board's revisions, which were made at the request of the AFL-CIO, overturned more than 70 years of precedent and make it possible for a union to be organized without the support of a majority of employees in the craft or class. Strong policy arguments favor the time-tested rule jettisoned by the Board. Further, while the Board has made it much easier to form a union it has not addressed the double standard that makes it nearly impossible for employees to decertify an unwanted union. In addition, the regulatory process that led to the adoption of the rule was little more than a sham. The Board majority not only excluded the single minority member from deliberations over the rule, but it censored her dissent. Furthermore, while the rule was contentious enough to draw thousands of comments, the Board did not change a single word of the proposed rule when it was finalized. Simply put, the Board's regulatory process on this

process was egregiously flawed. Congress should not permit an agency to set policy in such a manner.

- **Lithium Ion batteries:** The Chamber strongly opposes an amendment by Rep. Filner, which would prevent harmonization of federal regulations with international standards concerning the shipment of lithium ion batteries. Provisions of the manager's amendment would help ensure that U.S. regulations governing air shipments of lithium batteries and products containing them conform to international standards established by the International Civil Aviation Organization. Such harmonization would enhance safety and minimize the harsh economic consequences and other burdens of complying with multiple or inconsistent requirements for transporting our products to and from the U.S.

The Chamber urges Congress to approve a multi-year aviation bill, and H.R. 658 is an important step towards achieving this goal. **The Chamber will consider including votes on or in relation to the Filner, LaTourette and Shuster amendments in our annual How They Voted Scorecard.**

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten", written in a cursive style.

R. Bruce Josten