

RETURN OF GENERAL AVIATION TO RONALD REAGAN
WASHINGTON NATIONAL AIRPORT ACT OF 2005

MAY 26, 2005.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1496]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 1496) to return general aviation to Ron-
ald Reagan Washington National Airport, having considered the
same, report favorably thereon with an amendment and rec-
ommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Return of General Aviation to Ronald Reagan
Washington National Airport Act of 2005”.

**SEC. 2. AIR CHARTER AND GENERAL AVIATION OPERATIONS AT RONALD REAGAN WASH-
INGTON NATIONAL AIRPORT.**

Notwithstanding any law, regulation, or agency policy or directive that has the
effect of generally prohibiting general aviation aircraft from landing at Ronald
Reagan Washington National Airport, not later than 60 days after the date of enact-
ment of this Act, the Secretary of Transportation, acting through the Federal Avia-
tion Administration, in consultation with the Secretary of Homeland Security, shall
permit the resumption of nonscheduled, commercial air carrier air charter and gen-
eral aviation operations at Ronald Reagan Washington National Airport. In com-
plying with the requirements of this section, the Secretary of Transportation shall
consult with the general aviation industry. Nothing in this section shall be con-
strued to limit or otherwise affect section 823 of the Vision 100—Century of Avia-
tion Reauthorization Act (49 U.S.C. 41718 note; 117 Stat. 2595).

PURPOSE OF THE LEGISLATION

H.R. 1496 directs the Department of Transportation, through the
Federal Aviation Administration and in consultation with the De-

partment of Homeland Security, to resume general aviation operations at Ronald Reagan Washington National Airport.

BACKGROUND AND NEED FOR LEGISLATION

In response to the terrorist attacks of September 11, 2001, the Federal Aviation Administration (FAA) immediately shut down the National Airspace System (NAS). Two days later, on September 13, 2001, Federal Aviation Administration (FAA), in cooperation with the National Security Council (NSC), began incrementally reopening the NAS to civilian operations, first on a flight-by-flight basis to commercial air carriers, and then to other segments of the aviation industry.

Ronald Reagan Washington National Airport (DCA) was the last large commercial service airport to be reopened and, in fact, it remained closed to all aviation activity until October 4, 2001, when it opened to limited commercial air carrier service. No general aviation traffic was allowed.

DCA was also the last airport to fully resume scheduled airline flights (March 13, 2002) and still requires additional security measures not required elsewhere, including: the use of air marshals, a 30-minute in-seat requirement while arriving and departing at the airport, passenger manifest checks, and secure cockpits doors. Some types of aircraft that cannot meet all of these requirements are not allowed into DCA.

General Aviation (GA) was the last segment of the aviation industry allowed back into the air after September 11th. Despite the fact that GA was neither a target nor a tool of the 9–11 terrorists, the Federal government has imposed more security-related flight restrictions on GA than any other sector of the aviation industry. Additionally, except for waivers for certain VIPs, GA operations have never been allowed to resume at DCA.

It is the FAA's sole responsibility and jurisdiction to manage the Nation's airspace and H.R. 1496 directs the FAA to carry out that function with regard to access to DCA and the airspace surrounding DCA. H.R. 1496 directs FAA action independent of the requirements contained in Section 823 of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41718 note; 117 Stat. 2595).

The Committee believes that there is a way to allow GA operations to resume at DCA while assuring the security of the Nation's Capital. The continued failure over the last three-and-one-half years to reopen DCA to GA operators is unacceptable.

The Committee also believes that reopening DCA is a first step to allowing GA operators' access to the National Capital Region. In addition to the 15-mile no fly zone surrounding Washington, D.C., there is an almost 40-mile Air Defense Identification Zone (ADIZ), which was established by the FAA in 2003 as a temporary and specific response to a heightened security threat, the highest terrorist threat level since the attacks on September 11th. The Committee understood that when the threat level was reduced, the ADIZ would no longer be needed by the FAA. Should the threat level again be raised, then the ADIZ might again be an appropriate response by the FAA. However, the ADIZ was never intended to be permanent. The Committee believes that the FAA should not make the ADIZ permanent.

It is the Committee's understanding that a number of aviation security enhancements have and will be developed by the DHS, the FAA and the Department of Transportation (DOT). It is further the Committee's understanding that the GA community has offered to work with the DOT and FAA to develop reasonable operational and safety procedures and with the DHS in developing reasonable security enhancements to assist in the protection of the National Capital Region without creating impediments to the region's economy and law abiding private pilots.

SUMMARY OF THE LEGISLATION

Sec. 1.—Short title

This Act may be cited as the “Return of General Aviation to Ronald Reagan Washington National Airport Act of 2005”.

Sec. 2.—Air Charter and general aviation operations at Ronald Reagan Washington National Airport

This section directs, within 60 days of enactment, the Department of Transportation through the Federal Aviation Administration and in consultation with the Department of Homeland Security, to resume general aviation operations at Ronald Reagan Washington National Airport. This section also requires the Department of Transportation to consult with the General Aviation industry.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 1496 was introduced by Transportation and Infrastructure Committee Chairman Don Young, Transportation and Infrastructure Committee Ranking Minority Member James Oberstar, Aviation Subcommittee Chairman John Mica, Aviation Subcommittee Ranking Minority Member Jerry Costello, and Delegate Eleanor Holmes Norton on April 6, 2005. It was referred to the Committee on Transportation and Infrastructure. The bill was referred to the Subcommittee on Aviation and was discharged without amendment to the full committee. A full committee mark-up was held on April 27, 2005, where, after adopting an amendment offered by Subcommittee on Aviation Chairman Mica, H.R. 1496 was ordered reported, as amended, to the House by voice vote.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no rollcall votes during consideration of the bill.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

(1) With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

(2) With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to improve transportation safety.

(3) With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1496 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 4, 2005.

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1496, the Return of General Aviation to Ronald Reagan Washington National Airport Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gregory Waring.

Sincerely,

ELIZABETH M. ROBINSON,
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 1496—Return of General Aviation to Ronald Reagan Washington National Airport Act of 2005

Summary: CBO estimates that implementing H.R. 1496 would cost \$4 million in 2006 and \$12 million over the 2006–2010 period, subject to appropriation of the necessary amounts, for additional security-related activities to enable charter and general aviation flights to resume operations at Ronald Reagan Washington National Airport. Enacting the bill would not affect direct spending or revenues. H.R. 1496 would direct the Transportation Security Administration (TSA) and the Federal Aviation Administration (FAA) to permit both charter and general aviation operations at National Airport to resume.

Public Law 108–176, Vision 100—Century of Aviation Reauthorization Act, also directed TSA and FAA to permit charter and gen-

eral aviation flights at the airport. Since enactment, of that law, the Congress has not specifically appropriated funds for a security program at National Airport, and TSA and FAA have not authorized the resumption of regular charter and general aviation operations at the airport.

H.R. 1496 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: As shown in the table below, CBO estimates that implementing H.R. 1496 would cost \$12 million over the 2006–2010 period. The costs of this legislation fall within budget function 400 (transportation).

| | By fiscal year, in millions of dollars— | | | | |
|---|---|------|------|------|------|
| | 2006 | 2007 | 2008 | 2009 | 2010 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | |
| General Aviation Security Screening Program: | | | | | |
| Estimated Authorization Level | 3 | 2 | 2 | 2 | 2 |
| Estimated Outlays | 3 | 2 | 2 | 2 | 2 |
| Background Checks of General Aviation Pilots: | | | | | |
| Estimated Authorization Level | 1 | * | * | * | * |
| Estimated Outlays | 1 | * | * | * | * |

Note.—* = less than \$500,000.

Basis of estimate: For this estimate, CBO assumes that H.R. 1496 will be enacted near the end of 2005 and that amounts necessary to implement the bill will be appropriated for each fiscal year.

General aviation security screening program

To resume general aviation flights at the Ronald Reagan Washington National Airport, CBO expects that aircraft operators and passengers would have to be screened before they are permitted access to the airport. Therefore, inbound flights would first land at a gateway airport for screening by TSA personnel. If TSA clears those flights, the aircraft could then resume to National Airport. We estimate that TSA would designate 10 airports as screening gateways before general aviation passengers could proceed to National Airport. We assume that each gateway airport would require two full-time personnel and associated equipment to conduct security screening of general aviation passengers bound for National Airport. CBO estimates that the initial training of TSA employees, the purchase and maintenance of equipment, supervisory costs, and TSA screening of general aviation flights into National Airport would cost about \$3 million in 2006 and \$11 million over the 2006–2010 period.

Background check of general aviation pilots

CBO expects that under the bill TSA would conduct background checks of general aviation pilots requesting access to National Airport and require pilots to attend a training course on TSA security standards for the airport. Based on information from the aviation industry, TSA would likely perform checks on around 500 general aviation pilots seeking to use National Airport following enactment of the bill. After those initial record checks, CBO expects the number of additional pilots requesting access to National Airport in fu-

ture years would be much smaller. We estimate that the background checks and security training of pilots requesting access to National Airport would cost about \$1 million in 2006 and less than \$500,000 in each subsequent year.

Charter security

Implementing H.R. 1496 would require TSA to provide additional passenger screening and security at National Airport. Based on information from TSA and industry sources, CBO expects that the agency would require charter operators to continue to comply with federal security standards based on each aircraft's weight. Those standards currently include provisions for screening of passengers and cargo by a private operator or contractor. Therefore, CBO expects that TSA would not incur significant additional administrative and regulatory costs to oversee private charter operations at National Airport.

Federal Aviation Administration costs

Based on information from the agency, CBO expects the FAA would not incur any significant additional costs if the airport were reopened to charter and general aviation services.

Intergovernmental and private-sector impact: H.R. 1496 contains no intergovernmental private-sector mandates as defined in the UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Gregory Waring. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Jean Talarico.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local or tribal law. The Committee states that H.R. 1496 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 1496 makes no changes in existing law.

