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SENATE COMMITTEE ADOPTS LONG -TERM FAA REAUTHORIZATION BILL WHILE FULL SENATE PASSES SHORT-TERM EXTENSION THRU MID-JULY

Earlier this week, the Senate Commerce, Science and Transportation (CST) Committee reported by voice vote S.

2658, the Federal Aviation Administration (FAA) reauthorization bill. The Senate measure extends aviation programs through Fiscal Year 2017. Unlike its House counterpart (H.R. 4441), the Senate's bipartisan \$33.1 billion initiative does not include the highly contentious language to privatize the Air Traffic Control (ATC) system.

Of particular concern to the National League of Cities (NLC) and the US Conference of Mayors (USCM) is

Section 2142, a provision that preempts state and local laws affecting the operation of commercial drone use. Should this clause remain in the Senate FAA bill, it will effectively preempt cities and towns from regulating drone operations within their municipal boundaries.

The USMC and the NLC sent a joint letter to the Chairman

John Thune (R-SD) and Ranking Member Bill Nelson (D-FL) urging them to remove this provision and offered

to explore alternative approaches that would address all stakeholders' interests including those of local government in protecting their residents from Unmanned Aerial System (UAS) interference.

Key provisions in the bill include:

- Unmanned Aircraft Systems (UAS) or Drones – Addresses safety and privacy issues, boosts enforcement, and clarifies federal and local roles regarding drones while creating new opportunities for testing and promoting innovative uses of this technology, subject to FAA approval.
- Aircraft Certification Reforms – Helps U.S. aerospace manufacturing by improving the FAA's processes for certifying aircraft designs and modifications, as well as ensuring the benefits of such certification processes for manufacturers competing in global markets.
- Consumer Protection & Aviation Access – Includes new consumer protections for the flying public:
 - Truth in Weather Delays - Directs the Department of Transportation to review how airlines provide information on decisions to delay or cancel flights that may be fully or only partially due to weather related causes.

- Notice to Families with Children - Requires airlines to provide families with information about the availability of seats together at the time of booking.
- Disclosure of Fees - Creates a standard method for airlines to disclose airlines' ancillary fees (baggage, seat selection).
- Refunds for Delayed Baggage - Requires airlines to return baggage fees when items are lost or delayed.
- Automatic Refunds - Requires airlines to automatically return fees for services purchased but not received (seat assignments, early boarding, carry-on bags).
- Airline Safety Improvements – Includes new requirements on the bulk transfer of lithium batteries, mental health screening and records retention for commercial pilots, increasing awareness of human trafficking for airline personnel, and improving communicable disease preparedness.

On a related note, the Senate passed a straight forward extension of aviation programs through July 15, 2016, in an effort to avoid an FAA shutdown at the end of the month. The Senate chose to move its own short-term bill rather than adopt a House-passed measure. The distinction between the two respective bills is the Senate version keeps FAA programs and tax-collecting activities authorized through mid-July, while the House-passed bill extends aviation programs through July 15, 2016 but, unlike the Senate measure, carries the authority for tax collecting activities through March 2017. By passing its own short-term extension and adjourning for a two week recess, the Senate is forcing the House to either enact its bill or be held accountable for letting the FAA shutter its doors.

PRESIDENT OBAMA NOMINATES SUPREME COURT JUSTICE

In a much anticipated announcement, President Obama nominated Merrick Garland to the US Supreme Court to fill the vacancy left by the death of Associate Justice Antonin Scalia. Garland is a highly respected chief judge of the U.S. Court of Appeals for the District of Columbia Circuit. Garland is considered a moderate jurist by both Democrats and Republicans alike who, at least in the past, have offered effusive praise and support for his previous lower court nominations. According to Supreme Court denizens and Republican Senators, this time will be different.

Senate Majority Leader Mitch McConnell (R-KY) and Judiciary Committee Chairman Chuck Grassley (R-IO) are refusing to meet with Judge Garland and have openly pledged to deny him a hearing and floor vote on his nomination. McConnell has declared that American voters should have a say on who gets to appoint the next

Supreme Court jurist. The high court is now evenly divided between conservatives and liberals. President Obama and his Democratic allies on Capitol Hill argue that the Senate should fulfill its constitutional obligation and give its advice and consent on the president's Supreme Court nominee. Nothing short of a hearing and floor vote will satisfy Democrats while, on the other side of the aisle, Republicans are digging in for a long drawn out fight. Behind all of the political interplay is the realization that the ideological underpinning of the court is up for grabs. Antonin Scalia was the intellectual heart, champion and preeminent spokesman of the conservative wing on the court. His absence, therefore, leaves a vacancy that goes well beyond the vote of a single jurist.

IMMIGRATION GREEN CARDS GOING TO WRONG ADDRESSES

According to a new report issued by Homeland Security Department Inspector General John Roth, the US Citizenship and Immigration Services (CIS) is mailing out hundreds of permanent visa cards to the wrong addresses. The problem has been ongoing for years but apparently has only increased since the CIS installed its Electronic Immigration System (ELIS) in 2012. In its defense, CIS officials claim that the computer system prevents their staff from accurately changing addresses when requested by immigrants. There are “system limitations” that prevent CIS personnel from inputting the correct addresses. For instance, Inspector General Roth writes that the system does not “always accurately display address information, often eliminating or cutting off critical elements such as apartment numbers.” To overcome this glitch, CIS staffers have resorted to “manually sending out notices with instructions on how to email the cards back.”

The inability to resolve this problem is raising some degree of anxiety at DHS in light of the fact that a green card is a legal document establishing an immigrant’s right to live and work in the United States. Besides the obvious hardships imposed on immigrants waiting for their permanent residency card, there is the potential security threat that these cards end up in the wrong hands. To make matters worse, DHS officials admit that there is “no accurate means of identifying the exact number of potentially hundreds of cards sent to incorrect addresses for cases processed in ELIS.”

CONGRESSIONAL CALENDAR

The Senate is off on a two week Easter recess and is not scheduled back in session until April 4. House members return for an abbreviated legislative work week on March 21. They will join their Senate colleagues for the Easter break on March 24 and are not expected back on Capitol Hill until April 12.

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