Dear Chairman Shuster and Ranking Member DeFazio:

The undersigned organizations, representing the U.S. commercial, residential, hospitality, industrial, retail and other sectors of real estate, urge the Committee’s support for the bipartisan “Cohen-Duncan Amendment” to the Aviation Innovation, Reform and Reauthorization Act of 2016. The amendment is sponsored by Representatives Steve Cohen (D-TN) and John Duncan (R-TN).

This amendment would require the Federal Aviation Administration (“FAA”) to follow notice and comment procedures that must accompany any agency rulemaking, in the context of a rule change regarding its so-called One Engine Inoperative (“OEI”) standards for navigable airspace. The amendment would also direct the White House Office of Management and Budget (“OMB”) to conduct, pursuant to applicable Executive Order, a cost-benefit analysis that assesses the full range of economic impacts that may arise from any ultimate OEI rule changes.

These agencies to date have skirted these rulemaking and cost-benefit requirements. The Cohen-Duncan amendment provides that any OEI changes can become final action only if they are adopted with procedural safeguards and economic analyses required by pertinent federal laws and orders.

The text of the amendment tracks bipartisan language introduced as H.R. 365, sponsored by Reps. Cohen, Gosar (R-AZ), Salmon (R-AZ), Schweikert (R-AZ) and Wilson (D-FL).

As currently drafted, the FAA reauthorization bill includes precatory language that simply requests consideration of stakeholder input in establishing OEI policy. With respect, our organizations recommend inclusion of the Cohen-Duncan amendment because it compels the FAA and OMB to take actions that ensure requisite rulemaking procedures are respected and cost-benefit analyses are completed.

We appreciate your consideration of our request, and urge that the Transportation and Infrastructure Committee vote “YES” on the Cohen-Duncan amendment.
American Hotel & Lodging Association
American Resort Development Association
Building Owners and Managers Association (BOMA) International
CCIM Institute
International Council of Shopping Centers
Institute of Real Estate Management
NAIOP, the Commercial Real Estate Development Association
National Apartment Association
National Association of Home Builders
National Association of REALTORS®
National Association of Real Estate Investment Trusts
National Multifamily Housing Council
The Real Estate Roundtable