

**U.S. Real Estate Industry Supports Kaine-Warner
“One Engine Inoperative” Amendment to FAA Reauthorization**

April 13, 2016

The Honorable Mitch McConnell
Majority Leader
U.S. Senate

The Honorable Harry Reid
Minority Leader
U.S. Senate

The Honorable John Thune
Chairman
Committee on Commerce, Science
and Transportation
U.S. Senate

The Honorable Bill Nelson
Ranking Member
Committee on Commerce, Science
and Transportation
U.S. Senate

The Honorable Kelly Ayotte
Chairman
Aviation Subcommittee
U.S. Senate

The Honorable Maria Cantwell
Ranking Member
Aviation Subcommittee
U.S. Senate

Dear Senate Leaders:

The undersigned organizations, representing the U.S. commercial, residential, hospitality, industrial, retail and other sectors of real estate, urge adoption of amendment #3639 to the Federal Aviation Administration Reauthorization Act of 2016 (S. 2658). The amendment is sponsored by Senators Tim Kaine (D-VA) and Mark Warner (D-VA).

This amendment would require the Federal Aviation Administration (“FAA”) to follow notice and comment procedures that must accompany any agency rulemaking. Here, it would direct the FAA to conduct a rulemaking should the agency act on its proposal to create new regulatory requirements by incorporating so-called One Engine Inoperative (“OEI”) standards into its longstanding criteria for determining hazards to navigable airspace.

The Kaine-Warner amendment simply requires the agency to go through “regular order” when, as here, any executive department seeks to substantially change existing regulations. Similar language was uneventfully incorporated in the House’s version of FAA reauthorization earlier this year.

To date, the FAA has skirted rulemaking requirements set forth in the Administrative Procedure Act. We believe a robust and transparent public comment process must attend to the FAA’s proposed policy changes. Changes to existing rules should not be accomplished by the stroke of the agency’s pen.

The Kaine-Warner amendment will ensure that all affected industries and stakeholders benefit from a well-developed administrative record that may support any final action regarding OEI standards.

We appreciate your consideration of our request, and urge that the Senate vote “YES” on the Kaine-Warner amendment.

[SIGNATORIES ON FOLLOWING PAGE]

American Hotel & Lodging Association

American Resort Development Association

International Council of Shopping Centers

Institute of Real Estate Management

NAIOP, the Commercial Real Estate Development Association

National Apartment Association

National Association of REALTORS®

National Association of Real Estate Investment Trusts

National Multifamily Housing Council

The Real Estate Roundtable