

This bill ensures that aviation programs, taxes, and Airport and Airway Trust Fund expenditure authority will continue without interruption pending completion of long-term Federal Aviation Administration (FAA) reauthorization legislation. Because the long-term bill will not be completed before the current authority for aviation programs expires at the end of this week, H.R. 5900 is needed to extend aviation programs, taxes, and expenditure authority for an additional two months, through September 30, 2010.

The most recent long-term FAA reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176), expired on September 30, 2007. Although the House passed an FAA reauthorization bill during the 110th Congress, and again last year, the Senate failed to act until March of this year. The FAA has, therefore, been operating under a series of short-term extension acts, the most recent of which expires on August 1, 2010.

Since passage of the Senate bill in March, we have been working diligently to resolve the differences between the House and Senate bills. To be frank, I had hoped that the House would pass a negotiated, comprehensive, multi-year FAA reauthorization bill this week. We are close to a final package with the Senate, with very few issues left on the table. As it stands now, the negotiated bill would provide the aviation sector with the stability of a multi-year authorization, safety reforms, record-high capital investment levels, several provisions that would accelerate the Next Generation Air Transportation System effort, and a passenger bill of rights.

Unfortunately, the FAA reauthorization bill is hung up in the Senate, primarily over a provision that would significantly increase the number of long-distance flights at Washington National Airport. The Senate provision was included in neither the House-passed nor Senate-passed FAA bills, and it is strongly opposed by Members of Congress and Senators who represent the Washington, D.C. metropolitan region because, they argue, it would create a burden for Washington National Airport by creating congestion at terminals and siphoning passengers away from Washington Dulles International Airport. I also have concerns that the provision, as written, would unduly benefit dominant incumbent carrier, US Airways.

Madam Speaker, on the night of February 12, 2009, a Colgan Air flight operating as Continental Connection Flight 3407 crashed in Buffalo, New York, killing 50 people. The National Transportation Safety Board (NTSB) investigation that followed rocked the airline industry, stunned the American public, and identified the need to closely examine the regulations governing pilot training and rest requirements, with a particular focus on regional airlines.

In response to this tragedy, the Subcommittee on Aviation held a series of hearings, receiving testimony from the FAA, the NTSB, the Department of Transportation Inspector General, pilots' unions, airline representatives, and the representatives of the Colgan 3407 Families.

With regard to the Colgan 3407 Families, they have been a driving force behind aviation safety reform legislation. In the last 17 months they have come to Washington, D.C., more than 30 times to push for legislation. They have served the American public well. It is

time to let them go home now, to know that they have made a difference, to put closure on this tragedy and to pick up the pieces of their lives. Moreover, safety is our highest priority. Therefore, this extension act includes the airline safety and pilot training provisions that we have been able to negotiate with the Senate. These safety provisions will dramatically upgrade the training and experience necessary to be an airline pilot. Key features of this legislation include:

Requiring all airline pilots to hold an Airline Transport Pilot certificate, which requires a minimum of 1,500 flight hours; the current requirement is 250 flight hours.

Directing the FAA to update and implement new flight and duty time rules for pilots within one year, to more adequately address the results of scientific research in the field of fatigue.

Requiring FAA to ensure that pilots are trained on how to recover from stalls and upsets and that airlines provide remedial training to pilots who need it.

Establishing a pilot records database to provide airlines with fast, electronic access to a pilot's comprehensive record.

Some have argued that these safety provisions are one of the strongest selling points of a comprehensive FAA reauthorization package, and that by moving these provisions separately we may put the larger bill in jeopardy. We believe that moving these safety reforms right now, as part of an extension act, is simply the right thing to do. Moreover, we see no reason why Congress cannot return in September and work through the very few remaining issues in a larger FAA bill. We view these safety provisions as just a preview of a very strong comprehensive aviation package that this Congress will deliver for the American public in a matter of weeks.

I thank Chairman LEVIN of the Committee on Ways and Means for his assistance in ensuring the continued operation of aviation and highway programs. I also thank my Committee colleagues—Ranking Member MICA, Subcommittee on Aviation Chairman COSTELLO, and Ranking Member PETRI—for working with me on this critical legislation.

I strongly urge my colleagues to join me in supporting H.R. 5900.

Mr. COSTELLO. Madam Speaker, as I have said earlier, this is the strongest aviation safety bill that we are about to pass in decades. I urge my colleagues to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 5900.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of pro-

ceedings is in violation of the rules of the House.

#### MODIFYING DATE THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND APPLICABLE STATES MAY REQUIRE PERMITS

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (S. 3372) to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3372

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

Section 2(a) of Public Law 110-299 (33 U.S.C. 1342 note) is amended by striking “during the 2-year period beginning on the date of enactment of this Act” and inserting “during the period beginning on the date of the enactment of this Act and ending on December 18, 2013”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from New Jersey (Mr. LoBIONDO) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in support of S. 3372. This piece of legislation has been approved twice by this Chamber. Just last week, H.R. 5301, proposed by my colleague, the gentleman from New Jersey (Mr. LoBIONDO) passed easily on the floor of this Chamber.

Both S. 3372 and H.R. 5301 are mere extensions of an already existing moratorium. This extension is necessary because the Environmental Protection Agency has determined that discharges from vessels under 79 feet in length are not benign. But the agency needs additional time to expand coverage of its permitting program for these smaller vessels, and the EPA needs additional time to set appropriate Clean Water Act requirements to protect the Nation's waters from these type of discharges.

So I urge my colleagues to join me and support S. 3372.

I reserve the balance of my time.

Mr. LOBIONDO. Madam Speaker, I yield myself such time as I may consume.

I urge all Members to support this very important measure. I want to particularly thank Mr. OBERSTAR, Mr. MICA, and GENE TAYLOR for their work on this measure. Again, I urge everyone to support the legislation.

Madam Speaker, I rise today in strong support of S. 3372. Effective 2 days from now, commercial fishermen, charter boat operators and owners of other commercial vessels less than 79 feet will have to apply for and receive individual permits from the EPA to discharge from their vessels such things as deck wash, bilge water, and the condensation from air conditioning units. Vessels that operate without these permits could be subject to citizen lawsuits and daily fines that exceed \$32,000 per violation. To make matters worse, the EPA has informed Congress that they do not have the resources to process the hundreds of thousands of permits that would be required.

This bill simply extends the current moratorium a few more years to ensure the EPA has time to analyze the results of the study they conducted on incidental discharges, review public comments, and develop proper permitting regulations.

Although I am very pleased the House will be sending this bill to the President today, I still look forward to working with Chairman OBERSTAR on a broader bill to establish a fair and effective regime to regulate incidental discharges, as well as ballast water. As the Chairman knows, the current situation where we have 2 Federal agencies plus 28 different states enforcing 30 different standards on ballast water is crippling our maritime industry. I know the Chairman is committed to working through those issues and I hope we will have a bill on the floor soon.

Finally, I want to thank Chairman OBERSTAR for his leadership in moving this bill forward today, as well as Ranking Member MICA for his strong support and assistance. I also want to thank Senators MURKOWSKI and BOXER for their tremendous efforts. Finally, I want to thank the staff on both sides for their outstanding work.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the chairman of the full committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I want to compliment the gentlewoman on her splendid work on this legislation and her leadership of the subcommittee, the gentleman from New Jersey for his consistent and persistent advocacy. And if we pass this bill tonight, it will go directly to the President.

Madam Speaker, I rise in strong support of S. 3372, a bill that extends a provision prohibiting the Environmental Protection Agency (EPA) and States from requiring permits under Section 402 of the Clean Water Act for certain discharges that are incidental to the normal operation of commercial vessels less than 79 feet in length and all fishing vessels. This Chamber has now twice passed the language contained in S. 3372.

I thank the gentleman from New Jersey (Mr. LOBIONDO) for his continued work on this

issue. As I have said many times to my colleague, we will get this legislation signed into law.

This legislation extends a narrowly tailored provision enacted by Congress in 2008 to establish a moratorium on permit requirements under the Clean Water Act for certain discharges from fishing vessels and those commercial vessels less than 79 feet in length. This legislation ensures that EPA has sufficient time to consider the implications of discharges incidental to the normal operation of a vessel, while preserving the goals of the Clean Water Act to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

When the moratorium was established two years ago, EPA was directed to conduct a study on discharges incidental to the normal operation of a vessel. The purpose of this study was to provide the Agency and Congress with additional information on the nature, types, volumes, and composition of vessel discharges, and the potential impact of these discharges on human health, welfare, and the environment.

EPA completed this study earlier this year and determined that discharges from these smaller vessels are not benign. Appropriately, EPA plans on bringing these vessels within the scope of the National Pollutant Discharge Elimination System (NPDES) program. Currently, however, EPA does not have the framework in place or the resources to expand NPDES coverage to these smaller vessels.

S. 3372 extends the current moratorium to December 18, 2013. This extension will allow EPA time to implement the appropriate Clean Water Act mechanisms for controlling, minimizing, and properly addressing these types of vessel discharges. It will also allow the Agency to plan for the inclusion of these smaller vessels when the Agency renews its Vessel General Permits program.

The language contained in S. 3372 was included in H.R. 3619, the "Coast Guard Authorization Act of 2010", which passed the House on November 2, 2009. In addition, last week, the House passed H.R. 5301, introduced by the gentleman from New Jersey (Mr. LOBIONDO), which included this provision.

I strongly urge my colleagues to join me in support of S. 3372.

Ms. EDDIE BERNICE JOHNSON of Texas. I urge support for the bill. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, S. 3372.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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#### REAL ESTATE JOBS AND INVESTMENT ACT OF 2010

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5901) to amend the Internal Revenue Code of 1986 to exempt certain

stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5901

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Real Estate Jobs and Investment Act of 2010".

#### SEC. 2. EXCEPTION FROM FIRPTA FOR CERTAIN STOCK OF REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Paragraph (3) of section 897(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking all that precedes "If any class" and inserting the following:

"(3) EXCEPTIONS FOR CERTAIN STOCK DISPOSITIONS.—

"(A) EXCEPTION FOR STOCK REGULARLY TRADED ON ESTABLISHED SECURITIES MARKETS.—",

(2) by adding at the end of subparagraph (A) (as added by paragraph (1)) the following: "In the case of any class of stock of a real estate investment trust, the preceding sentence shall be applied by substituting '10 percent' for '5 percent'.", and

(3) by adding at the end the following new subparagraph:

"(B) EXCEPTION FOR CERTAIN STOCK IN REAL ESTATE INVESTMENT TRUSTS.—

"(i) IN GENERAL.—Stock of a real estate investment trust held by a qualified shareholder shall not be treated as a United States real property interest except to the extent that an investor in the qualified shareholder holds (directly or indirectly through the qualified shareholder) more than 10 percent of the stock of such real estate investment trust.

"(ii) QUALIFIED SHAREHOLDER.—For purposes of this subparagraph, the term 'qualified shareholder' means a shareholder—

"(I) which would be eligible for a reduced rate of withholding under any income tax treaty of the United States with respect to ordinary dividends paid by the real estate investment trust even if such shareholder holds more than 10 percent of the stock of such real estate investment trust, and

"(II) whose principal class of interests is listed and regularly traded on one or more recognized stock exchanges (as defined in the relevant income tax treaty referred to in subclause (I))."

(b) DISTRIBUTIONS OF REAL ESTATE INVESTMENT TRUSTS.—Paragraph (1) of section 897(h) of such Code is amended—

(1) by inserting "(10 percent in the case of stock of a real estate investment trust)" after "5 percent of such class of stock", and

(2) by inserting ", and any distribution to a qualified shareholder (as defined in subsection (c)(3)(B)(ii)) shall not be treated as gain recognized from the sale or exchange of a United States real property interest to the extent that the stock of the real estate investment trust held by such qualified shareholder is not treated as a United States real property interest under subsection (c)(3)(B)" before the period at the end.

(c) CONFORMING AMENDMENT.—Subparagraph (C) of section 897(c)(6) of such Code is amended by striking "more than 5 percent" and inserting "more than a particular percentage".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to dispositions made after the date of the enactment of this Act.