



The FAA Reauthorization: Past, Present, and Future

2024 Aviation Symposium
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House and Senate Legislation

- House of Representatives
 - Securing Growth and Robust Leadership in American Aviation Act (H.R. 3935)
 - Bill debated and over 100 amendments offered
 - Passed by House on bipartisan vote of 351-69 on July 20, 2023
 - Final Bill is over 750 pages
 - Awaits reconciliation with the Senate legislation
- Senate
 - Federal Aviation Administration Reauthorization Act of 2023 (S. 1939)
 - Bill introduced on June 13, 2023
 - Bill currently over 460 pages
 - Hearings were held in 2023 before the Senate Committee on Commerce, Science, and Transportation
 - Hearings to mark up bill were scheduled several times for the end of July, but were later cancelled
 - Since then, no committee vote on the Senate's legislation has been taken, preventing floor action on the measure
 - Both House and Senate bills authorize funding for 5 years, through Fiscal Year 2028

Where Things Stand as of Today

- In late September, as the existing 5-year FAA authorization was set to expire, Congress passed a short-term extension as part of the larger Government funding measure. The extension ran until December 31, 2023
- As that date approached with no further progress, Congress passed another extension, through March 8, 2024
- Both were clean extensions – no substantive issues were addressed
- Possibility of need for further extensions if controversial issues (pilot training requirements, pilot retirement age, Washington Reagan National Airport slots) are not resolved promptly
- Currently, no clear path toward reaching agreement on those issues. Further extension(s) may be necessary
- Senate is unlikely to simply accept House bill as passed; once Senate passes its version, reconciliation with House-passed measure will be necessary, delaying any final enactment

What are the Potential Roadblocks?

Reagan National Airport Perimeter Rule

- Rule dates to the early 1960s and limits the number of flights that can land at Reagan National from destinations more than 1,250 miles away
- Effort to add more flights from outside this limit
- Support and opposition has been bipartisan; more a regional issue
- Proposed amendment to House bill that would have permitted 28 new flights. Proposal was withdrawn at the last minute, and instead, House voted on compromise amendment to add only 7 new flights. Amendment failed on a vote of 205-229
- There has been a push in Senate to add as many as 32 new flights to Reagan National Airport
- Local Senators (Maryland and Virginia) have vowed to block reauthorization if more flights are added

What are the Potential Roadblocks?

1,500 Hour Rule for Pilots

- Currently, commercial pilots must have a minimum of 1,500 hours experience to fly for commercial air carriers
- The requirement was passed by Congress following the crash of Colgan Flight 3407 in 2009 near Buffalo
- The requirement is often blamed for chronic pilot shortage that has plagued the industry
- The House bill had a provision that would have permitted pilots to count up to 150 hours of training in advanced flight simulators towards meeting the requirement.
- An amendment was submitted by members of the New York delegation to strike the provision
- The amendment narrowly passed, striking the relevant part of the bill and leaving the 1,500-hour rule intact
- A proposed amendment to allow credit for up to 250 hours of simulator training by Senators John Thune (R-SD) and Kyrsten Sinema (I-AZ) caused the Senate hearing to be cancelled while the issue was considered

What are the Potential Roadblocks?

Pilot Retirement Age

- The current retirement age for commercial pilots is 65
- The House bill was amended at the last minute to raise the retirement age from 65 to 67. An effort to strike the amendment was defeated in the Rules Committee before the bill was voted on by the full House
- A similar amendment to raise the retirement age will likely be introduced in the Senate
- ALPA does not support the amendment and notes that pilot contracts would need to be reopened
- Senate Republicans have accused Democrats of “moving the goalposts” on this issue in response to pressure from ALPA. Pilot shortage also cited as reason to raise retirement age
- Pilots over age 65 would still be ineligible to fly most international flights

What is in the House Bill?

- Requires the Secretary of Transportation to refine the reporting directives to provide more detailed information about the cause of a commercial flight cancellation or delay, to allow greater transparency to traveling public
- Maintains authorization for the Essential Air Service (EAS) program, which opponents sought to eliminate. Bill makes targeted reforms to reduce program costs
- Requires the FAA to identify and deploy technologies, equipment, and systems, such as surface surveillance and detection systems, to enhance safety of ground operations at large hub and medium hub airports
- Amends current law to ensure that an individual has not less than 30 days to respond to a Letter of Investigation from the FAA Administrator

What is in the House Bill?

- Directs the Administrator to issue a final rule on the SMS notice of proposed rulemaking (NPRM) no later than 180 days after enactment of the Act. Requires the NPRM to apply to all certificate holders operating under the rules for part 135 or part 91.147
- Requires FAA to convene an Aviation Rulemaking Committee (ARC) to develop findings and recommendations to require installation of secondary cockpit barriers on certain commercial aircraft not covered by any current rules
- Requires FAA to publish final interim regulation for the operations of powered-lift aircraft by beginning of 2025

What is in the House Bill?

- Requires DOT Secretary to direct scheduled passenger airlines to establish policies regarding reimbursement for lodging, transportation between such lodging and the airport, and meal costs due to flight cancellation or significant delay directly attributable to air carrier
- Directs DOT Secretary to issue NPRM to establish policy directing air carriers that assign seats, or that allow seat selection in advance of date of departure of a flight, to sit children under 14 years of age adjacent to an accompanying adult at no additional cost. Proposed policy does not apply to carriers with open or flexible seating policy
- Directs FAA Administrator to initiate rulemaking on minimum seat dimensions for passenger seat sizes

What is in the House Bill?

- Directs DOT Secretary to issue NPRM to develop minimum training standards for airline personnel and contractors who assist passengers with disabilities using wheelchairs with boarding or deplaning a commercial flight; DOT Secretary given ability to assess civil penalties where air carriers fail to meet requirements
- Directs FAA Administrator to conduct comprehensive review of National Airspace System (NAS), including special use airspace, within three years of Act's enactment; requires FAA Administrator to streamline and expedite access to certain categories of airspace for users who do not regularly have such access

What is in the House Bill?

- Reauthorization of the National Transportation Safety Board
- House bill prohibits NTSB from publicly disclosing audio or video recordings of interviews with participants in, or witnesses to, an accident being investigated by Board
- Directs Board to submit a report to Congress on any accident report not completed within two years of accident; subsequent progress reports required every 90 days until investigation is completed

What is in the Senate Bill?

- \$67.5 billion for FAA operations
 - Aircraft certification reform
 - Air carrier oversight
 - Pay for employees and air traffic controllers
- \$18.2 billion for FAA facilities and equipment
- \$20 billion for FAA airport improvement grants
- \$1.8 billion for FAA research, engineering and development
- Current version of Senate bill does not address NTSB reauthorization

What is in the Senate Bill?

- Requires the FAA to complete the last stage of NextGen by December 31, 2025
- Directs the FAA to establish a pathway for beyond visual line-of-sight operations and to create two additional test sites for companies to start using unmanned aircraft (UAS) for package delivery or other operations
- Extends the BEYOND program for another 2 years
- Provides a new pathway for certification of advanced air mobility powered-lift aircraft and unmanned traffic management
- Provides more funds for surface detection equipment and technologies in response to the close calls occurring last year
- Enhances Aircraft Certification Reforms: This bill builds upon the Aircraft Certification, Safety and Accountability Act of 2020 (ACSAA) by establishing new transparency, oversight and accountability requirements to promote full compliance with FAA safety standards for designing and manufacturing aircraft

What is in the Senate Bill?

- Mandates increased scrutiny of foreign maintenance and repair stations working on U.S. aircraft to ensure one level of safety and support for U.S.-certified aircraft mechanics
- Requires stronger safety requirements for commercial air tour and helicopter operations through increased FAA oversight, new safety management systems, equipment upgrades and flight data monitoring in response to recent accidents
- Requires new 25-hour cockpit recording devices
- Establishes a new system and requirements for continuous aircraft tracking, including the altitude, location and identity of high-altitude balloons.
- Requires FAA to evaluate cabin air quality and advance rules for airlines to provide training and reporting for fume events onboard commercial aircraft from engine oil and hydraulic fluid
- Requires FAA to review the cybersecurity threat and update standards

What is in the Senate Bill?

- The bill codifies, for the first time, U.S. safety requirements for foreign airlines operating to the United States or code-sharing with U.S. airlines, through FAA assessments of safety oversight by foreign countries
- Expands FAA air traffic control training capacity
- Enhances self-defense training for flight attendants to protect themselves and better respond to unruly passenger incidents and other threats
- Gives DOT the ability to penalize airlines that seek to abandon EAS communities and makes it harder for airlines to terminate their contracts

What is in the Senate Bill?

- Creates a clear right to refunds where an airline cancels or significantly delays a flight at 3-hours for domestic flights and a 6-hours for international flights. Airlines will be required to have an easy-to-find refund request button at the top of their websites
- Doubles the DOT's statutory civil penalty amount for aviation consumer violations from \$25,000 per violation to \$50,000
- Prohibits airlines from publishing "unrealistic and deceptive" flight schedules that lead to cancellations and delays—such as knowingly selling tickets when they lack the staffing and technology to properly operate their network
- Requires airlines to provide free, 24/7 access to customer service agents by phone, live chat or text message and the ability to speak with a customer service agent
- Prohibits airlines from charging fees for families to sit together

Questions?

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