

# REAUTHORIZING THE FAA & PROTECTING PASSENGERS THROUGH 2021



## WHAT THE BILL DOES: S. 1405

The Federal Aviation Administration (FAA) Reauthorization Act of 2017 (S. 1405) reauthorizes the FAA and related programs through the end of fiscal year 2021. Highlights include:

**CONSUMER PROTECTION & AIR TRAVEL ENHANCEMENTS** – Includes new consumer protections for the flying public, updates Department of Transportation (DOT) rules following high-profile airline incidents, and takes steps to help passengers needing assistance during air travel.

**DRONE SAFETY & INNOVATION** – Addresses safety and privacy issues, criminalizes reckless drone behavior around manned aircraft and runways, authorizes FAA drone registration authority, and boosts enforcement while creating new opportunities for testing and promoting innovative uses.

**AIRLINE SAFETY IMPROVEMENTS & AVIATION ACCESS** – Includes new requirements on the bulk transfer of lithium batteries, improves communicable disease preparedness, and supports contract air traffic control towers, which largely serve rural communities.

**GENERAL AVIATION (GA) SAFETY & PROTECTIONS** – Offers GA airports more flexibility to facilitate infrastructure investment, applies the same medical certificate requirements to air balloon operators as other licensed pilots, and expands the rights of pilots in FAA enforcement proceedings.

**AIRCRAFT CERTIFICATION REFORMS** – Improves international competitiveness of 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.

**AIR TRAFFIC CONTROL & NEXTGEN** – Acts on recommendations of independent government watchdogs for improving the FAA's transition to 21st century air traffic control technologies known collectively as "NextGen" and requires the FAA to assess how each NextGen program contributes to a more safe and efficient air traffic control system and its current implementation status.

**INFRASTRUCTURE INVESTMENT & STUDY** – Increases authorized funding for the Airport Improvement Program (AIP), which pays for infrastructure like runways, by \$400 million to an annual level of \$3.75 billion (well within the projected trust fund surplus), and streamlines the application process for Passenger Facility Charges (PFC). Requires a study and recommendations on upgrading and restoring the nation's airport infrastructure.

# CLOSER FOCUS:

## CONSUMER PROTECTION & AIR TRAVEL ENHANCEMENTS

**RESTRICTIONS ON FORCED REMOVALS** – Incorporates key provisions of the “TICKETS Act,” which prohibits an air carrier from denying boarding of a revenue passenger once he/she has been approved by the gate attendant to board unless the passenger poses a safety, security, or health risk to other passengers or engages in abusive or unlawful behavior. Also eliminates the dollar amount limitation on involuntary denied boarding compensation, and requires that passengers receive information on their overbooking rights.

**ASSISTING PREGNANT PASSENGERS** – Requires DOT to review airline policies for traveling during pregnancy and, if deemed appropriate, require air carriers to offer advance boarding to such passengers requesting assistance.

**PROMPT REFUNDS** – Requires airlines to promptly return fees for ancillary services purchased, but not received (such as seat assignments, early boarding, and carry-on bags).

**DISCLOSURE OF FEES** – Creates a standard method for airlines to disclose their ancillary fees (baggage, cancellation, change, ticketing, and seat selection fees).

**SEAT ASSIGNMENTS** – Requires airlines to provide notice, when passengers buy a ticket and check-in, that seating fees are optional and seats will be assigned free of charge prior to departure.

**CONSUMER COMPLAINT PROCESS IMPROVEMENT** – Requires airlines to provide better notice of how consumers can file service complaints with an airline and DOT. Also requires DOT to study ways to improve its current aviation consumer protection website, and create a wireless device app that consumers can use.

**FRIENDLY AIRPORTS FOR MOTHERS ACT OF 2017** – Incorporates provisions allowing for the DOT to approve project grants for medium or large hub airports so that they can maintain a lactation area in each passenger terminal building of the airport within the secured area of the airport terminal.

**DOMESTIC SUPERSONIC FLIGHT STUDY** – Directs the FAA to study current policy and evaluate advancements in supersonic aircraft design that could mitigate noise concerns and other factors behind the current ban on domestic supersonic jet travel.

**TRUTH IN WEATHER DELAYS** – Directs DOT 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.

**INVOLUNTARY ITINERARY CHANGES** – Instructs DOT to review whether it is unfair or deceptive for an air carrier to add additional stops or significantly change the departure time more than 24 hours before a flight.

**MINIMUM SEAT SIZE** – Directs the FAA to review safety implications of seat pitch for airline passengers’ seats.

**AMERICANS WITH DISABILITIES** – Takes steps to improve air travel for persons with disabilities by requiring a review of training and best practices by airports, creates an advisory committee on the needs of passengers with disabilities, studies new in-cabin wheelchair restraint systems, and implements new delayed and damaged baggage reporting requirements for wheelchairs and scooters.

## **DRONE SAFETY & INNOVATION**

**DRONE SAFETY FEATURES** – Directs federal agencies to convene industry stakeholders to develop consensus standards for safety features to be built into drones to protect everyone who uses the national airspace and the public.

**PRIVACY PROTECTIONS** – Affirms that drone operations should respect personal privacy, consistent with federal, state, and local law; advances drone identification standards to create operator accountability; and promotes adoption of written privacy policies. Clarifies Federal Trade Commission authority to enforce violations of privacy policies by commercial operators.

**DRONE REGISTRATION** – Provides FAA authority to require registration of small drones.

**CRIMINALIZATION OF RECKLESS BEHAVIOR** – Makes it a federal crime to knowingly or recklessly operate a drone near a manned aircraft or runway.

**ONLINE SAFETY TEST** – Promotes safety by requiring all drone users to pass an FAA-approved online aeronautical safety test before flying. This ensures users understand the national airspace system and avoid manned aircraft. Operators of drones weighing less than 0.55 pounds could be exempted from the testing requirement.

**AIRPORT PROTECTION** – Authorizes and funds FAA programs to test equipment for surveillance and mitigation of drones hazards near airports.

**DRONES AND ILLEGAL DRUG TRAFFICKING** – Directs the Government Accountability Office (GAO) to examine law enforcement challenges posed by drones used for illegal drug trafficking.

**OPPORTUNITIES FOR INNOVATION** – Fosters innovation by authorizing expanded case-by-case exemptions for beyond visual line of sight and nighttime operations, as well as for research and development or commercial purposes.

**FEDERAL & LOCAL RESPONSIBILITIES** – Directs GAO to study the responsibilities of federal, state, and local governments in regulating drones.

**DRONE TEST SITES** – Improves established drone test sites by directing research priorities, improving coordination with the FAA, and enhancing protections for proprietary information to encourage more engagement with the private sector.

**DRONE PACKAGE DELIVERY** – Requires DOT to establish a delivery air carrier certificate that would allow for package deliveries by drones.

**MICRO DRONE RULES** – Directs the FAA to establish operating rules specific to “micro” drones, which weigh 4.4 lbs. or less.

**UNIVERSITY USE** – Streamlines the approval process for the safe operation of drones at institutions of higher education.

**SPECTRUM USAGE** – Allows drones to use spectrum for wireless control purposes if permitted by the Federal Communications Commission and FAA. With respect to licensed frequencies, they also must have the consent of spectrum licensees.

## **AIRLINE SAFETY IMPROVEMENTS & AVIATION ACCESS**

**LITHIUM BATTERIES** – Implements international safety standards on bulk transport of lithium batteries and reviews existing regulations and potential improvements to battery safety.

**COMMUNICABLE DISEASE PREPAREDNESS** – Improves preparedness for communicable disease outbreaks, following through on GAO recommendations in the wake of the 2015 Ebola outbreak, by directing federal agencies to establish a comprehensive, aviation-specific preparedness plan.

**CABIN EVACUATION PROCEDURES** – Requires the FAA to review airline cabin evacuation procedures used during emergencies.

**PROTECTING RURAL SERVICE** – Maintains access to our nation’s aviation system for millions of Americans in rural areas by reauthorizing the Essential Air Service Program and the Small Community Air Service Development Program through 2021.

**CONTRACT TOWER PROGRAM UPDATES** – Protects and enhances safety for airline service in rural communities that rely on or seek entrance into the contract tower program. The contract tower program helps rural airports which might not otherwise have locally based air traffic controllers directing aircraft.

**ANNUAL SAFETY INCIDENT REPORTS** – Requires the FAA to submit to Congress an annual report on its oversight of scheduled air carriers.

## **GENERAL AVIATION SAFETY & PROTECTIONS**

**FLIGHT ACT REFORMS** – Includes reforms offering GA airports more flexibility to facilitate infrastructure investment, reducing red tape for environmental reviews, and directs the FAA to designate and help prepare certain GA airports as “Disaster Relief Airports.”

**FAIRNESS FOR PILOTS ACT REFORMS** – Incorporates reforms that allow individuals denied an airman certificate by the FAA to appeal that denial to U.S. District Court after an unsuccessful appeal to the National Transportation Safety Board. Also standardizes an internet accessible public repository of FAA “NOTAM” bulletins.

**ENHANCING BALLOON SAFETY** – Utilizing safeguards proposed in the Commercial Balloon Safety Act of 2017, revises federal regulations regarding medical certificates to require them to apply to operators of air balloons to the same extent such regulations apply to operators of other aircraft. This provision follows a 2016 commercial balloon crash in Texas that killed 16 people, including the operator. Investigators found that the balloon operator responsible for the crash had seven drugs in his system and a history of substance abuse. The operator would not have qualified for the medical certificate.

**UNLEADED FUEL TRANSITION** – Ensures the FAA identifies alternatives to traditional aviation gas and adopts a process to ensure the safety of modifications to existing aircraft prior to a transition to unleaded aviation fuel.

## **AIRCRAFT CERTIFICATION REFORM**

(I.E., FAA'S PROCESS FOR APPROVING AIRCRAFT DESIGNS)

**GLOBAL COMPETITION** – Enhances U.S. competitiveness in aerospace manufacturing by helping get products to market faster through improved certification processes, reducing cost, and promoting U.S. products.

**UTILIZING OUTSIDE EXPERTISE** – Streamlines costly certification processes through which the FAA approves new aircraft designs and modifications by requiring the FAA to better utilize its existing delegation authorities. Establishes an advisory committee to recommend further process improvements.

**LEADERSHIP ABROAD** – Requires the FAA to focus on international engagement and leadership related to U.S.-developed standards through facilitating approvals of U.S. aerospace products and services abroad.

**FAA WORKFORCE** – Improves the quality of the FAA safety workforce by requiring FAA to review and revise its safety workforce training strategy to ensure it meets specific criteria, including fostering an inspector and engineer workforce with the necessary skills and training and seeking knowledge-sharing opportunities between the FAA and aviation industry.

## **AIR TRAFFIC CONTROL & NEXTGEN**

(I.E., TRANSITION TO 21<sup>ST</sup> CENTURY AIRSPACE MANAGEMENT TECHNOLOGY)

**AIR TRAFFIC CONTROLLER INTERVIEWS** – Requires that all air traffic controller candidates receive an in-person interview with the FAA before being hired and beginning training.

**NEXTGEN TRANSITION** – Follows-up on recommendations made by the DOT Office of the Inspector General and GAO to improve NextGen transition management, mitigate risks to NextGen interoperability with foreign countries, and assess NextGen acquisition practices.

**PROGRAM ASSESSMENT** – Requires the FAA to assess each NextGen program and provide a report to Congress on how each program improves safety and efficiency and to provide an estimated date that each program will have a positive return on investment for aviation users and the government.

## **INFRASTRUCTURE INVESTMENT**

**AIRPORT IMPROVEMENT PROGRAM** – Supports jobs and improves safety with increased infrastructure investment by authorizing funding for AIP at \$3.75 billion beginning in fiscal year 2019, a \$400 million increase over current levels, but well within the projected trust fund surplus.

**STREAMLINING PFC APPLICATION** – Streamlines the PFC application process to eliminate unnecessary paperwork.

**AIRPORT VEHICLE EMISSIONS** – Expands an existing FAA grants program to reduce airport emissions by allowing additional airports to voluntarily participate.