

AICA Response and Mark Up: 7-17-23
Senate 6-12-23 Draft Reauthorization Act of 2023



The [draft Senate Reauthorization Act of 2023](#). (6/12/23)

AICA Response and Edits by Sections.

TITLE II—FAA OVERSIGHT AND ORGANIZATION
Subtitle A—Organization

SEC. 201. FUTURE OF NEXTGEN. Page 11

ACTION - Do not support without amendments.

- INSERT on page 13, Line 13 **“(B) Recommendations for the technical capacity and resources** needed by the FAA in order to oversee a comprehensive airspace modernization project on schedule and on-budget, **including upgrading Flight Management Systems (FMS) to support many more procedures to enable clean configuration, idle descents as well as night-time noise abatement procedures.”**
- INSERT on page 14, after Line 18 **“(H) Evaluation for each Metroplex and Single Site including all procedure comparisons of benefits pre and post NextGen Implementation as well as consideration of the Department of Transportation NextGen Audit August 24, 2019 and the Office of Inspector General Audit of the NextGen Status Update Report that is mandated in the FAA Reauthorization Act of 2018 Section 502(b), expected January 2024.”** ● INSERT on page 14, Line 17 **“...predictability, environmental,...”**.

COMMENT

Should include resourcing for upgrading Flight Management Systems (FMS) for quieter NextGen procedures. For a third party to accurately and transparently review and assess NextGen, the report should evaluate Metroplex and Single Site implementations including comparisons of all procedures pre and post NextGen implementation, consider previous and future DOT Audits, and include recommendations for unrealized benefits. Recommendations to justify national airspace system modernization efforts should include minimizing environmental impacts.

SEC. 503. STUDY OF HIGH SCHOOL AVIATION MAINTENANCE TRAINING PROGRAMS. PAGE 167

ACTION - Do not support without amendments.

- INSERT on Page 169, AFTER Line 24 **“(J) Any disclosure that should be made to students or residents with training overflights on health impacts of leaded gas, ultrafine particles, and noise.**

COMMENT

Full disclosure on impacts should be provided to both students and potentially affected residents.

SEC. 202. AIRSPACE INNOVATION OFFICE. Page 14

ACTION - Do not support without amendments.

- INSERT on Page 16, Line 2 “...safety, security, mobility, efficiency, and capacity needs and **addressing environmental impacts** of...”
- INSERT on Page 17, Line 2 “...activities; **and community group engagement**;”
- INSERT on Page 18, Line 21 “**(10) community groups**”.
- RENAME on Page 18, Line 21 “**(10)**” to “**(11)**” and Line 23 “**(11)**” to “**(12)**”.

COMMENT

Per FAA Kevin Walsh’s testimony to the House Committee on Transportation, March 17, 2022, “The FAA’s core mission... includes addressing the environmental impacts of aviation, such as climate change, local air quality, and noise”, therefore “addressing environmental impacts” should be included. Consultation with community groups should be required and included intentionally in the integrated plan.

SEC. 213. INTERNAL REGULATORY PROCESS REVIEW. Page 27

ACTION - Do not support without amendments.

- INSERT on Page 27, Line 21 “...safety **and the safety of people on the ground** and at least...”.
- INSERT on Page 28, Line 2 “industry **and community** stakeholders”.

COMMENT

According to the Director of the NTSB, around 90% of this agency’s investigations are related to GA accidents. The regulatory process review should include the safety of people on the ground from GA overflights.

SEC. 214. REVIEW AND UPDATES OF CATEGORICAL EXCLUSIONS. Page 32

ACTION - Do not support.

COMMENT

The use of CATEX should not be broadened. In fact, the opposite is needed: decrease the current applicability of categorical exclusions e.g., a new PBN (NextGen procedure) can use a CATEX.

SEC. 303. HIGH RISK FLIGHT TESTING. Page 37

ACTION - Do not support.

COMMENT

This section doesn’t mention the dangers posed to people on the ground. All high risk flight testing should require notification of the residents in the surrounding community.

SEC. 305. HELICOPTER SAFETY. Page 40

ACTION – Amend.

- REMOVE starting on line 21 “~~changes to the safety requirements for turbine-powered rotorcraft certificated for 6 or more passenger seats~~” and REPLACE with “**changes to the safety requirements for all rotorcraft engaged in commercial operations.**”

COMMENT

There is no rational basis for applying this Section only to turbine-powered rotorcraft certified for 6 or more passengers. The Committee should review and assess the need for safety requirements for all rotorcraft engaged in commercial operations.

SEC. 315. AIR TOUR AND SPORT PARACHUTING SAFETY. Page 62

ACTION - Amend.

- REMOVE on Page 63, Lines 7-10, the entire **Subsection (ii) SMALL BUSINESS EXCEPTION**

COMMENT

This Subsection excludes operators who make less than 50 commercial air tours a year because they are a small business. 50 is an arbitrary number that would exclude a lot of operators. There should be no exceptions. All operators of commercial air tours should be required to meet the same safety standards.

SEC. 318. DEVELOPMENT OF LOW-COST VOLUNTARY ADS-B. Page 87

ACTION - Do not support.

COMMENT

All aircraft should be identifiable, and it should not be voluntary irrespective of cost.

Sec. 321. Aviation Safety Information Analysis and Sharing Program. Page 91

ACTION - Support.

SEC. 401. NEXTGEN ACCOUNTABILITY TASK FORCE. Page 126

ACTION - Do not support without amendments.

- INSERT on Page 126, Line 24 AFTER “air traffic controllers;”, “**community groups representing public stakeholders away from and in the vicinity of airports who are negatively affected by NextGen procedures;**”
- INSERT on Page 126, Line 23 “**(E) community groups representing public stakeholders away from and in the vicinity of airports who are negatively affected by NextGen procedures;**” ● RENUMBER on page 126, line 23 “**(E)**” to “**(F)**” and Page 127, Line 1 “**(F)**” to “**(G)**”. ● INSERT on Page 127, Line 18 “on a per flight basis **and an evaluation for each Metroplex and Single Site including all procedure comparisons of benefits pre and post NextGen Implementation.**”
- INSERT on Page 128, Line 7 “...operators in the national airspace system **for commercial and general aviation** including...”
- INSERT on Page 128, after Line 21 “**(D) percentage of aircraft with high-capacity Flight Management Systems (FMS) that support multiple RNAV paths, i.e., families of RNAVS,**” ● INSERT on Page 128, after Line 21 “**(4) Consideration of the Department of Transportation NextGen Audit August 24, 2019 and the Office of Inspector General Audit of the NextGen Status Update Report that is mandated in the FAA Reauthorization Act of 2018 Section 502(b),**

expected January 2024". And "(5) Review and make recommendations on the potential harm and costs to overflight communities including health and noise impacts and any other costs that should be captured for the total costs for NextGen accountability."

- INSERT on Page 129, after Line 17 "(1) All Task Force meetings will be announced and open to the public and will be live-streamed;"

COMMENT

The current draft requires only aviation industry members (not community members who are non aviation industry) to identify the benefits of NextGen without identifying the non-benefits which are needed for accountability and a balanced perspective on assessing the performance of the FAA in delivering and implementing quantifiable operational benefits of NextGen. It is also missing the equipage status that could provide the full capability of idle descent promised by the FAA and benefits of noise reduction (high-capacity Flight Management Systems (FMS) and ability to enter more procedures into FMS for noise abatement or dispersion purposes). Lastly, it misrepresents the benefits by "calculating a weighted average by distance on a per flight basis" versus an evaluation for each Metroplex and Single Site including all procedure comparisons of benefits pre and post NextGen Implementation.

SEC. 405. FLIGHT PROFILE OPTIMIZATION. Page 136

ACTION: Do not support without amendments.

- INSERT, Page 137, Line 3, "...projects, **community groups that may be affected,...**" ● INSERT on Page 146, AFTER Line 14 "**(3) ENVIRONMENT. - Development of new helicopter RNAV routes shall include "families of RNAV routes" for the purpose of dispersing negative environmental impacts of low-altitude rotorcraft. (4) DEFINITION. - Family of RNAVs - An RNAV procedure defines the center-line track of a family of RNAVs, with other family members offset to the left and right of the center-line. RNAV path use is rotated across the family of RNAVs."**

COMMENT

This will create the same problems as NextGen but for Advanced Air Mobility/Helicopters which is concentrating any dispersion of overflown vehicles over the same people through RNAV/PBN.

SEC. 409. LOW ALTITUDE ROUTES FOR VERTICAL FLIGHT. Page 145

ACTION: Amend.

- INSERT Page 145, Line 10, Subsection (a) after the phrase “ensure sufficient separation from higher altitude fixed wing aircraft traffic.” INSERT “**and mitigate noise over residential and other noise sensitive areas.**”
- INSERT, Page 146, Line 9, Subsection A, “...rier, **community groups that may be affected...**” before “and performance based navigation...”.
- INSERT on Page 146, AFTER Line 14 “**(3) ENVIRONMENT. - Development of new helicopter RNAV routes shall include “families of RNAV routes” for the purpose of dispersing negative environmental impacts of low-altitude rotorcraft. (4) DEFINITION. - Family of RNAVs - An RNAV procedure defines the center-line track of a family of RNAVs, with other family members offset to the left and right of the center-line. RNAV path use is rotated across the family of RNAVs.**”

COMMENT

Low altitude routes will potentially have noise impacts on the ground. Noise should be a factor that should be considered in planning these routes. They should not be proposed without early input from impacted communities.

SEC. 411. EXTENSION OF ENHANCED AIR TRAFFIC SERVICES PILOT PROGRAM. Page

148 ACTION - Do not support without amendments.

- INSERT on Page 148, Line 17 “...port completed in November 2020 **and upgraded high-capacity Flight Management Systems (FMS) to support many more procedures .**

COMMENT

High-capacity Flight Management Systems are needed to support many more procedures for aircraft departing/arriving a family of RNAVs to provide dispersion and reduce noise impacts from NextGen.

SEC. 412. NEXTGEN EQUIPAGE PLAN. Page 149

ACTION - Do not support without amendments.

- INSERT on Page 149, Line 8 “...certain NextGen avionics and **high-capacity Flight Management**

Systems in the active commercial...”

- INSERT on Page 149, Line 20 “...avionics, **and high-capacity Flight Management Systems, ...**” ●
- INSERT on Page 149, Line 25 “..avionics **and high-capacity Flight Management Systems; and ...**” ●
- INSERT on Page 150, after Line 9 “(C) **community groups representing public stakeholders away from and in the vicinity of airports who are negatively affected by NextGen procedures;**” ●
- RENUMBER on page 150, line 11 “(C)” to “(D)” and Line 13 “(D)” to “(E)”.

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- INSERT on Page 151, Line 7 “...Report completed in November 2020 **and upgrading Flight Management Systems (FMS) to support many more procedures** for aircraft arriving/departing at [Large Hub Commercial Service Airports](#).”

COMMENT

Without high capacity Flight Management Systems (FMS) the benefits of reducing noise using a family of RNAVs cannot be captured.

SEC. 413. PERFORMANCE BASED NAVIGATION REPORT AND UTILIZATION PLAN. Page 151

ACTION - Amend.

- INSERT on Page 151, Line 22 “...spect to the **findings and recommendations...**” ●
- INSERT on Page 152, after Line 14 “(F) **the Department of Transportation NextGen Audit August 24, 2019, (G) the Office of Inspector General Audit of the NextGen Status Update Report that is mandated in the FAA Reauthorization Act of 2018 Section 502(b), expected January 2024.**”

COMMENT

This report is premature and includes input only from NAC recommendations. Before mandating SEC. 413 the following should be completed: SEC. 201. FUTURE OF NEXTGEN, SEC. 401. NEXTGEN ACCOUNTABILITY TASK FORCE, and SEC. 412. NEXTGEN EQUIPAGE PLAN. Proposed amendments to these include an evaluation for each Metroplex and Single Site including all procedure comparisons of benefits pre and post NextGen Implementation and consideration of the Department of Transportation NextGen [Audit August 24, 2019](#) and the [Office of Inspector General Audit](#) of the NextGen Status Update Report that is mandated in the FAA Reauthorization Act of 2018 Section 502(b), expected January 2024.

TITLE V—AVIATION 11 WORKFORCE Subtitle A—Civil Aviation Workforce

Section 501. AVIATION WORKFORCE DEVELOPMENT GRANTS, Page 156 (line 14)

ACTION - Do not support.

COMMENT

The aviation workforce development program developed as part of FAA Reauthorization 2018 should end. Industry groups and aviation companies should be responsible for their own workforce development. Funding is already in place for these types of programs. In a time of debt crisis, programs that are not essential to the operating mission of the FAA should not be undertaken.

TITLE VI—MODERNIZING 15 AIRPORT SYSTEMS

SEC. 611. General aviation public-private partnership program. Page 239

ACTION: Do not support.

COMMENT

The provision would allow private jet owners, for example, to build a hangar on and not pay any property taxes. General aviation and private public use airports serve private aviation, not the public.

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Providing grant money to these airports is not solving public transportation issues. It is an indulgent expense in a time of debt crisis. FAA programs should advance the safety of our national airspace system. Do not amend chapter 471 of 22 title 49, United States Code by inserting section 611 after section 47145.

SEC. 620. Grant Assurances. Page 251

ACTION - Do not support without amendments.

- REMOVE on Page 253, Lines 8-17 "~~(24) the airport owner or operator will continue to make available to general aviation aircraft all types of fuel, which were available to such aircraft at that airport at any time during calendar year 2022, until the earlier of—“(A) December 31, 2030; or“(B) the date on which a replacement for 100 octane Low Lead aviation gas for use by piston driven aircraft is widely available for use, as determined by the Secretary.”~~

COMMENT

Under (24) (A) (B) This section on fuels is in conflict with the house version of the bill which requires the sale of leaded fuel until some indefinite date. The House version needs to be removed. Leaded fuel needs to be eliminated at the earliest possible date, well before 2030. EPA put out an endangerment finding at the beginning of this year that finds exposure to leaded aviation fuel poses a significant public health threat to humans. This is the first regulatory step for EPA to take in order for the agency to begin regulating emissions from leaded avgas.

SEC. 621. Civil Penalties for Grant Assurances Violations. Page 253

ACTION - Do not support.

COMMENT

Local governments and communities should be empowered to protect their constituents from the toxic lead used by piston-engine aircraft. The policies in this SECTION do not support this.

Sec. 641. General Aviation Program Runway Extension Pilot Program. Page 289

ACTION - Do not support.

COMMENT

The American public via the FAA AIP should not be required to subsidize runway expansion projects at general aviation airports.

SEC. 801. OFFICE OF ADVANCED AVIATION TECHNOLOGY AND INNOVATION. Page 376

ACTION - Do not support without amendments.

- INSERT on Page 377, Line 13 "...risk **and environmental impacts**;"
- INSERT on Page 377, Line 19 "...ternal collaboration, **community group and** industry engagement,..."

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- INSERT on Page 378, Line 18, "...national aviation ecosystem, **addressing environmental impacts**, and..."

SEC. 802. ADVANCED AVIATION TECHNOLOGY AND INNOVATION STEERING COMMITTEE. Page 382

ACTION - Do not support without amendments.

- INSERT on Page 383, Line 17 "ecosystem, **addressing environmental impacts**,..."

COMMENT

Environmental impacts should be included.

SEC. 803. BEYOND VISUAL LINE OF SIGHT OPERATIONS FOR UNMANNED AIRCRAFT SYSTEMS. Page 384

ACTION - Do not support without amendments.

- INSERT on Page 385, Line 9 "...ment **and environmental impacts** methodology...". ● INSERT on Page 385, Line 18 "...ation and **number of operations** over people, and operation **and number of operations** beyond the..."
- INSERT on Page 385, Line 19 "... or operation and **number of operations** during the day or night..."
- INSERT on Page 385, Line 24 "...ducted **and cumulative number and type of operations overflying each area with AAM and any other aviation vehicle regardless of airport or launch or landing site**."

SEC. 805. ENVIRONMENTAL REVIEW AND NOISE CERTIFICATION. Page 391

ACTION - Do not support.

COMMENT

This section should not be supported as drones need environmental review to protect communities during the emerging phase of the technology versus developing categorical exclusions for an individual operator's network of drone operations and suspends noise certification for drone models until the FAA issues standards.

Subtitle B—Advanced Air Mobility

SEC. 821. SENSE OF CONGRESS ON FAA LEADERSHIP. Page 419

ACTION - Do not support without amendments.

INSERT on Page 420, after Line 3 "**(E) address environmental impacts**."

COMMENT

Environmental impacts should be addressed.

SEC. 822. AVIATION RULEMAKING COMMITTEE ON CERTIFICATION OF POWERED-LIFT AIRCRAFT. Page 420

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ACTION - Do not support without amendment.

- INSERT on Page 421, after Line 6 “**(C) Environmental impacts learned from interviews with impacted or potentially impacted communities...**”

COMMENT

Given this emerging technology, the environmental impacts should be included from communities.

SEC. 823. APPLICATION OF NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CATEGORICAL EXCLUSIONS FOR VERTIPORT PROJECTS. Page 421

ACTION - Do not support.

COMMENT

Given this emerging technology, environmental review should be required initially so lessons and insights learned can be applied to the future in determining if a CATEX should apply.

SEC. 824. ADVANCED AIR MOBILITY WORKING GROUP AMENDMENTS. Page 422

ACTION - Support with amendment.

- INSERT on Page 423, after Line 14 “(5) in paragraph (1) recommendations regarding the safety, operations, security, infrastructure, air traffic concepts, **environmental impacts**, and other...”

COMMENT

Environmental impacts should be included.

SEC. 827. ADVANCED AIR MOBILITY PROPULSION SYSTEMS AVIATION RULEMAKING COMMITTEE. Page 424

ACTION - Do not support without amendment.

- INSERT on Page 427, after Line 12 “**(4) Environmental impacts learned from interviews with impacted or potentially impacted communities...**”

COMMENT

Given this emerging technology, the environmental impacts should be considered from communities.

TITLE IX—RESEARCH AND DEVELOPMENT AND INNOVATIVE AVIATION TECHNOLOGIES

SEC. 901. ADVANCED MATERIALS CENTER OF EXCELLENCE ENHANCEMENTS. Page 428

ACTION - Support with amendment.

- INSERT on Page 429, Line 12 “...Administration, **community groups**, the commercial...”

COMMENT

Directly impacted community groups as stakeholders should be explicitly included for collaboration versus optional.

SEC. 902. CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS. Page

430 ACTION - Support with amendments.

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- INSERT on Page 431, Line 2 "...the safe and efficient integration **and addressing environmental impacts...**"
- INSERT on Page 431, Line 6 "...Federal agency partners, **community group stakeholders, ...**".
- INSERT Page 431, Line 10 "...safe and efficient integration **and addressing environmental impacts...**"
- INSERT Page 431, Line 16 "...cient integration **and addressing environmental impacts...** ● INSERT Page 431, Line 25 "...training for women aviators **and knowledgeable community groups for input and review.**".

COMMENT

Environmental impacts should be addressed and community groups included.

SEC. 908. HYPERSONIC PATHWAY TO INTEGRATION STUDY. Page 439

ACTION - Support with amendments.

- INSERT on Page 442, after Line C "**(D) community group stakeholders;**" and CHANGE "**(D)**" to "**(E)**" and "**(E)**" to "**(F)**".

SEC. 910. ELECTRIC PROPULSION AIRCRAFT OPERATIONS STUDY. Page 443

ACTION - Support with amendments.

- INSERT Page 446, line 4 "(2) Impacts to airport-adjacent **and non-airport adjacent** communities...".

COMMENT

Non-airport adjacent (overflowed) communities are likely to have impacts in addition to airport-adjacent communities.

SEC. 915. RESEARCH AND DEVELOPMENT OF FAA'S AERO- NAUTICAL INFORMATION SYSTEMS MODERNIZATION ACTIVITIES. Page 451

ACTION - Support with amendments.

- INSERT Page 451, after line 13 "**(2) FAA Aircraft Registry;**" and CHANGE "**(2)**" to "**(3)**" and "**(3)**" to "**(4)**".

COMMENT

The FAA should require that non-US aircraft accessing US airspace provide equivalent registration data, which the FAA should include in its registry for continuous modernization.

SEC. 916. CENTER OF EXCELLENCE FOR ALTERNATIVE JET FUELS AND ENVIRONMENT. Page 452

ACTION - Support with amendments.

- INSERT Page 455, after Line 3 "**(E) Community groups directly impacted by noise, emission, and health impacts.**"

COMMENT

Environmental impacts should be addressed by including community groups.

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ACTION - Support with amendments.

Amend Subsection (a) ESTABLISHMENT:

Insert on Page 455 line 18 after “this section referred to as the “Advisory Committee)””

“, a discretionary advisory committee that is compliant with the Federal Advisory Committee Act (FACA; 5 U.S.C. Appendix—Federal Advisory Committee Act; 86 Stat. 770, as amended),”

Amend Subsection (b)(2) Membership:

Remove “-adjacent” from Page 456 Line 10 and

Insert on Page 456 after Line 11

(A) 20 members shall be from communities impacted by commercial aviation, of which--

(i) at least 10 shall be from communities away from airports and the remaining from communities close to airports; and

(ii) at least 15 shall be from communities with impact from Core 30 Airports designated by the Federal Aviation Administration.

(B) 7 members shall be from communities impacted by general aviation, including sightseeing, rotorcraft, training flights, and private and business travel.

(C) 3 members shall be from communities currently or potentially impacted by advanced air mobility.

Amend Subsection (c) DUTIES:

Insert AFTER “performance-based navigation;” Page 457, line 2:

(5) Community Engagement;

(6) Noise, Pollution, and Health mitigation for communities close to airports and communities away from airports for Commercial Aviation and General Aviation and for currently and potentially impacted communities with Advanced Mobility impacts;

(7) Integration of new technologies;

(8) Tools, policies, and analyses to accurately reflect impacts;

(9) Substantial negative impacts of past FAA actions,

Change Page 457, Line 3 by Replacing “(5)” with “(10)”

COMMENT

As written, this is to be an ad-hoc committee with a short-life that is focused on a single topic (noise policy) with a single deliverable, instead of an on-going discretionary advisory committee that is compliant with the Federal Advisory Committee Act (FACA; 5 U.S.C. Appendix—Federal Advisory Committee Act; 86 Stat. 770, as amended). The FAA needs advice from communities on many topics (see *Committee Duties*) and from committee members who are familiar with and experience aviation impacts from a wide range of vehicles, especially with advanced air

mobility and supersonic aircraft on the horizon of the national airspace (see *Committee Membership*).

Reference: Impacted-Communities Advisory Committee, H.R.2565 Rep Lynch, Stephen F. (D MA-8).

