



AICA Response and Mark Up

House's 6-9-23 Draft T&I FAA Reauthorization Act of 2023

[HOUSE 6-9-23 DRAFT FAA REAUTHORIZATION ACT OF 2023](#)

Hearings

[House T&I Full Committee Mark Up Meeting](#), Tues, June 13, 10:00am EST

[Senate Full Committee Executive Session](#) FAA Reauthorization Bill, Thurs, June 15, 2023, 10:00 a.m. ET

Important Notes

- Do not be misled by an attractive Section name versus the actual content in the SEC.
- Some of the sections have repurposed [legislation recommended by the 67 communities](#) (updated 6-5-23) and are not achieving the desired outcome.
- A frequent problem of the Sections is the continued exclusion of directly and substantially affected communities as “key external stakeholders”.
- Please also amend by ADDING the “Filed Bills to Include” section below.

AICA Response and Edits by Sections

TITLE I—AUTHORIZATIONS AND FAA ORGANIZATIONAL REFORM

Subtitle B—FAA Organizational Reform

SEC. 135. Aviation Noise Officer. Page 64

ACTION - Do not support.

COMMENT

Repealing the “Regional Ombudsmen” Section 180 of the FAA Reauthorization Act of 2018 and replacing it with SEC 135 removes the “Ombudsmen” descriptor/role and vastly reduces scope: only noise and not pollution, excludes addressing concerns raised by the public to only during decision-making processes, and eliminates being consulted on all proposed changes in operations and environmental impacts beyond noise.

TITLE II—GENERAL AVIATION

Subtitle A—Expanding Pilot Privileges and Protections

SEC. 204. Data Privacy. Page 85

ACTION - Do not support.

COMMENT

From a security standpoint in a post 9/11 world, public identification of aircraft is paramount to safety. The Administrator should not block the registration number and other similar identifiable data or information, except for physical markings required by law, of the aircraft of the owner or operator from any public dissemination or display. Aviation is uniquely intrusive on the public, both its physical presence and its noise and the public should have access to identifying information about aircraft.

SEC. 205. Prohibition on Using ADS-B Data to Initiate an Investigation. Page 91

ACTION - Do not support.

COMMENT

FAA should certify the use of ADS-B not only for investigating complaints, but as a tool for driving pilots to comply with Federal Air Regulations. SEC. 205 prohibits the FAA from initiating investigation using ADS-B alone, but allows the FAA to use ADS-B if they have initiated a complaint for other reasons changes section 46101, title 49.

SEC. 221. ADS-B Safety Enhancement Incentive Program. Page 105

ACTION - Do not support.

COMMENT

ADS-B has been required equipment since 2020 per Federal Air Regulation 91.225. The cost of ADS-B should be considered part of the cost of purchasing an aircraft, new or used.

Subtitle C—Improving FAA Services

SEC. 243. Flight Instruction or Testing. Page 123

ACTION - Do not support.

COMMENT

Flight instructors with a student should be categorized as a pilot carrying a passenger for hire.

SEC. 255. Exemption of Fees for Air Traffic Services. Page 140

ACTION - Do not support.

COMMENT

The public has a reasonable expectation that fees related to aviation events are to be paid for by the event sponsor and not waived. FAA is able to assess fees for services rendered as part of 49 U.S. Code § 45303.

Subtitle D—Other Provisions

SEC. 264. Airshow Venue Information, Awareness, Training, and Education Program. Page 150

ACTION - Do not support.

COMMENT

The public has a reasonable expectation that event sponsors are the experts at conducting air shows. The AVIATE program is the role of industry, not FAA.

SEC. 265. Low Altitude Rotorcraft and Powered-Lift Operations, Page 152

ACTION - Do not support without edits.

- Page 153, line 5, ADD “(D) the potential for alternative rotorcraft route procedures that are not concentrated vertically with general aviation and airliner aircraft in the national airspace system, allowing rotorcraft to operate at higher altitudes; (E) the potential for FAA to adjust altitude requirements in congested metropolitan areas for general aviation and airline aircraft to climb faster after takeoff, to allow for higher altitude rotorcraft procedures.”
- Page 153, line 17, ADD “(5) representatives from community stakeholder organizations.”

COMMENT

This section does not address the safety and noise issues that are compounded when rotorcraft operate in the same airspace with GA and airliner aircraft such as pre-NextGen rotorcraft pilots routinely flew at 2000 ft altitudes versus now rotorcraft routinely fly under 100 feet above ground level. A 2017 United States Helicopter Safety Team (USHST) Report found that low altitude operations are one of the leading causes of rotorcraft fatalities. SEC. only requires helicopter and aviation industry representatives (rotorcraft operators, powered-lift operators, air traffic controller) and not representatives from community groups who are critical given the past inadequate representation on FAA efforts e.g. NextGen Advisory Committee on Community Engagement October 2014 and June 2016.

SEC. 267. Eliminate Aviation Gasoline Lead Emissions, Page 154

ACTION - Do not support.

COMMENT

Redirect funding from workforce development program to spending programs to aid in the elimination of leaded av. Gas. Provide a national program to certify aircraft for leaded aviation fuel, provide incentive funding for fuel tank upgrades, if necessary. Provide incentives to swap to fungible unleaded fuel options in order to expedite the transition away.

TITLE III—AEROSPACE WORKFORCE

Subtitle A—Growing the Talent Pool

SEC. 301. Extension of Aviation Workforce Development Programs, Page 162

ACTION - Do not support.

COMMENT

AOPA and other industry organizations provide workforce development programs already. Given federal budget restraints at this time, FAA's budget should be focused on essential services.

SEC. 303. National Center for the Advancement of Aerospace, Page 173

ACTION - Do not support.

COMMENT

The public has a reasonable expectation that the role of promoting aviation is the job of the industry. In a time of debt crisis, FAA Reauthorization spending should be reduced to essential spending, not superfluous spending.

TITLE IV—AIRPORT INFRASTRUCTURE

Subtitle A—Airport Improvement Program Modifications

SEC. 408. Small airport letters of intent. Page 258

ACTION - Do not support.

COMMENT

Further obligates the Secretary of Transportation to fund small airports that are unable to operate without the assistance of federal grants.

Subtitle C—Noise and Environmental Programs and Streamlining

SEC. 471. Streamlining consultation process. Page 309

ACTION - Do not support.

COMMENT

This removes oversight by the Secretary of the Interior and the EPA for the FAA to carry out its policy for this from [Section 47101\(a\)\(6\) of title 49, United States Code](#) [page 1458]:

(6) that airport development projects under this subchapter provide for the protection and enhancement of natural resources and the quality of the environment of the United States;

SEC. 472. Repeal of burdensome emissions credit requirements. Page 309

NOTE - See [Appendix](#). This is an important Section that needs an emissions and Clean Air Act expert's recommendation. We have not heard back from ours.

Sec. 473. Expedited environmental review and One Federal Decision. Page 311

ACTION - Do not support.

COMMENT

The main concern involves amendments to subsection (a) of [Section 47171 of title 49](#), United States Code as shown:

(a)Aviation Project Review Process.—The Secretary of Transportation **Administrator of the Federal Aviation Administration** shall develop and implement an expedited and coordinated environmental review process for airport capacity enhancement ~~projects at congested airports,~~ general aviation airport construction or improvement projects, aviation safety projects, and aviation security projects **projects, terminal development projects, general aviation airport construction or improvement projects, and aviation safety projects** that—

Amended subsection (a) will allow for an expedited review process for all airport capacity enhancements, not just projects at [congested airports](#). Also, the new subsections (m) - (q) weaken the roles of participating and coordinating agencies, which often are state/local agencies.

Sec. 474. Subchapter III definitions. Page 338

NOTE - These definition changes also affect projects from Sections 471 and 472. This changes definitions in [Section 47175 of title 49, United States Code](#). It removes the definition for airport security project and

makes other changes that seem to be related to proposed Section 471 and Section 472 above concerning “projects”.

Sec. 476. Part 150 noise standards update. Page 339

ACTION - Do not support without edits.

- Page 340, line 7, ADD “and in overflight communities” after “in the vicinity of airports” .
- Page 340, after line 17 ADD “(e) DEFINITIONS. Overflight communities are locations that are located under the flight paths of aircraft and vehicles that are distressed by aircraft noise and located outside the DNL 65 dB contour.”

COMMENT

This current draft limits the review to “vicinity of airports” and does not define the term. It ignores the system of metrics required under ASNA. It needs to add language that includes “overflight communities”.

SEC. 477. Reducing Community Aircraft Noise Exposure. Page 340

ACTION - Do not support without edits.

- Page 340, line 23, EDIT by ADDING “In implementing or revising a flight procedure, the Administrator of the Federal Aviation Administration shall seek to take the following actions (to the extent that such actions do not negatively affect aviation safety **and two co-equal secondary priorities: the efficient use of airspace, and "the minimization of the impact of aviation noise and other health impacts, on residents and communities"**)~~or efficiency~~ to reduce undesirable aircraft noise: OR
- Page 341, line 6, EDIT “(3) Discourage local encroachment of residential or other buildings near airports that could create future aircraft noise complaints or impact airport operations or aviation safety.” as follows:

Discourage ~~local~~ airport growth encroaching ~~ment ofn~~ residential or other buildings near airports **or in overflow communities** that could create future aircraft noise complaints or aviation safety.

COMMENT

Today, there are some corner cases where changes are being made to procedures that have a minor reduction in efficiency and a noise reduction benefiting communities. If this SEC. 477 was approved, it would eliminate the possibility of these types of mitigations.

SEC. 478. Categorical Exclusions. Page 341

ACTION - Do not support without edits.

- Page 341-342 REMOVE subsection (a)
- Page 343, Line 10, REMOVE “.” and ADD “or if the proposed actions involve any of the circumstances described in Subparagraph (b) Federal Aviation Administration Order 1050.1F Paragraph 5-2, Extraordinary Circumstances, or any successor document.”

COMMENT

Regardless of the level of federal assistance or total estimated cost threshold for an airport project, a full environmental review should be performed and not receive a categorical exclusion [Subsection (a)]. The 12 types of extraordinary circumstances should continue to be included in the regulation [Subsection (c)].

SEC. 479. Critical habitat on or near airport property. Page 344

ACTION - Do not support.

COMMENT

This is oversight that usually is left to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service and needs to remain that way.

SEC. 481. Recommendations on reducing rotorcraft noise in District of Columbia. Page 345

ACTION - Support.

SEC. 482. UFP Study. Page 347

ACTION - Do not support without replacement.

- REPLACE SEC. 482 with [Protecting Airport Communities from Particle Emissions Act, H.R. 1049](#) Rep Smith, Adam (D-WA-9). FAA, jointly with the Administrator of the EPA, shall enter into an agreement with an eligible institution of higher education to conduct a study examining airborne ultrafine particles and their effect on human health (including what the particulate does inside the body).

SEC. 483. Aviation and Airport Community Engagement. Page 349

ACTION - Do not support it in its entirety and REPLACE.

- REPLACE “Task Force” page 349-353 with SEC. 483 and replace with H.R. 2565, [Impacted-Communities Advisory Committee, H.R.2565](#) Rep Lynch, Stephen F. (D-MA-8)
- Support this section only (if Task Force is not replaced with H.R. 2565.)
- Only the stand-alone section with edits “(b) Engagement Events” page 354.
- Page 354, line 6, ADD “The purpose of the engagement events described under paragraph (1) shall be to foster open and transparent communication **and interactive discussion** between the Federal Government and aviation-impacted communities prior to, during, and after decision-making at the Federal level.”
- Page 354, line 12 ADD, “The topics of consideration of such engagement events shall be approved by the Regional Administrator or the Regional Community Engagement Officer of the applicable region, in consultation with regional interest **and directly affected local community** groups. Topic areas shall be driven by local and regional feedback and may focus on—”

COMMENT

This section repurposed introduced bill [Impacted-Communities Advisory Committee, H.R.2565](#) Rep Lynch, Stephen F. and replaced the representatives of community groups with aviation industry representatives (airport, airlines, aircraft manufacturers, etc.). This will perpetuate similar inadequate outcomes as the past, for example the NextGen Advisory Committee and their previous Community

Engagement work (October 2014, June 2016, March 2022). Instead, H.R. 2565 states 20 of the 30 members be from community groups directly and substantially affected by noise or pollution.

SEC. 484. Community Collaboration Program. Page 356

ACTION - Do not support without edits.

- Page 358, line 13, ADD “(C) updating the internal guidance of the Administration for community engagement based on recommendations from such Task Force and best practices of other Federal agencies, **interviews with directly affected community groups**, and external organizations with expertise in community engagement;
- Page 359, line 14, REMOVE “and” and ADD “**(v) Ensuring affected local communities are consulted on the noise complaint process;**”
- Page 359, line 15, CHANGE “(v)” to “(vi)”
- Page 360, line 20, REMOVE “and” and ADD “**(H) consultation with local community groups as external stakeholders in conducting the community collaboration activities described in Responsibilities using the Federal Mediation and Conciliation Service” to facilitate dialog, and**”
- Page 360, line 21 CHANGE “(H)” to “(I)”

COMMENT

This “community collaboration” program mandates only FAA staff as representatives and without consultation from directly affected local community groups for “improving outreach to communities affected by aircraft noise and other community engagement concerns.” (line 7, page 361). Historically, the FAA has included “external organizations with expertise in community engagement” and this has been inadequate and the outcomes are flawed.

SEC. 485. Third Party Study on Aviation Noise Metrics. Page 361

ACTION - Do not support but REPLACE (see COMMENT).

- REPLACE SEC. 485 with [Peer-Reviewed Report on Measuring Metrics and Thresholds](#), H.R.2561 Rep Lynch, with a single mention about “noise on public health” which is Lynch’s other National Academies bill [Air Traffic Noise and Pollution Expert Consensus Act](#), H.R.2562, Rep Lynch.

COMMENT

This Section appears to be a butchered version of H.R.2561 Rep Lynch, with a single mention about “noise on public health” which is Lynch’s H.R.2562. The preference is that this Section should be REPLACED with H.R.2561 and H.R.2562 to ensure that the effect of aviation noise and pollution on public health is assessed by the National Academy of Medicine. If not REPLACED these EDITS are needed:

- Page 362, line 10, ADD “(5) statement to include assessment of noise on public health”
- Page 361, line 16, ADD to “(a) Study, Division of Medicine (line 19)
- Page 361, line 19, CHANGE to “a study on **an aviation system of** noise metrics.”

TITLE V—AVIATION SAFETY

Subtitle A—General Provisions

SEC. 546. Advanced Simulation Training, Page 493

ACTION - Do not support.

TITLE VI—AEROSPACE INNOVATION

Subtitle B—Advanced Air Mobility

SEC. 657. Advanced Air Mobility Working Group. Page 593

ACTION - Do not support without edits.

- Page 593, AFTER line 9 ADD “(3) in subsection (d)(1) inserting the following: **“(M) groups representing local community organizations and environmental interests.”** . Renumber items 3 to 8 on line 10 (Page 593), lines 1, 7, 20 (Page 594), and lines 17 and 19 (Page 596) to account for this addition.
- Page 593, AFTER line 18 ADD “(D) by adding **“(9) steps needed to ensure local community engagement and their impacts and concerns that may impede maturation;”**” and renumber items (D) and (E) on lines 19 and 21 and change “(9)” to “(10)” on line 22.
- Page 594, BEFORE line 1, ADD “(4) in subsection (f)(1) by inserting **“environmental impacts including noise,”** after “traffic concepts,”. Renumber items 4 to 8 on lines 1, 7, 20 (Page 594) and lines 17 and 19 (Page 596)

COMMENT

SEC. 657 makes edits to [49 USC 40101](#) but current law and these edits do not include the interests of the local communities stakeholder and environmental impacts.

TITLE VII—PASSENGER EXPERIENCE IMPROVEMENTS

Subtitle B—Air Traffic

Sec. 742. NextGen programs. Page 655

ACTION - Do not support without edits.

- Page 656, after line 9 ADD “(F) Family of RNAVs”
- Page 656, end of line 16 REMOVE “procedures.” and ADD “and Family of RNAVs procedures.”
- Page 661, after line 19 ADD “(k) DEFINITION of FAMILY OF RNAVs: The current arrival or departure RNAV procedure defines the center-line track of a family of RNAVs. RNAV family members are offset by 1 and 2 nmi left and right of the center-line which converge at about a 5 nmi final for arrivals, or diverge to these families a few miles after departure.”

Subtitle C—Small Community Air Service

SEC. 772. Essential Air Service Authorization. Page 679

ACTION - Do not support.

TITLE VIII—MISCELLANEOUS

SEC. 822. Study on Congested Airspace. Page 726

ACTION - Do not support without edits.

- Page 726, Line 11, ADD “a study on the efficiency, **safety**, and efficacy of scheduled commercial air service transiting congested airspace.
- Page 726, Line 24, ADD **“(8) flight training (9) recreational flight”**

FILED BILLS TO INCLUDE

NOISE AND EMISSIONS

1. [Air Traffic Noise and Pollution Expert Consensus Act](#), H.R.2562, Rep Lynch, Stephen F. (D-MA-8)
2. [Impacted-Communities Advisory Committee](#), H.R.2565 Rep Lynch, Stephen F. (D-MA-8)
3. [Peer-Reviewed Report on Measuring Metrics and Thresholds](#), H.R.2561 Rep Lynch, Stephen F. (D-MA-8)
4. [Noise Data Collection Act](#), H.R.2564 Rep Lynch, Stephen F. (D-MA-8)
5. [Aviation-Impacted Communities Act](#), H.R.1047, Rep Smith, Adam (D-WA-9)
6. [Aviation Noise and Emissions Mitigation Act](#), H.R.1048 Rep Smith, Adam (D-WA-9)
7. [Protecting Airport Communities from Particle Emissions Act](#), H.R.1049 Rep Smith, Adam (D-WA-9)

GENERAL AVIATION, HELICOPTER, AIR TOUR

8. [Safe and Quiet Skies Act](#), H.R.1071 Rep Case, Ed (D-HI-1)
9. [Helicopter Report](#), H.R.2509, Rep Norton, Eleanor (D-WashDC)
10. [Air Tour and Skydiving Safety Improvement Act](#), H.R. 2626, Rep Tokuda, Jill (D-HI-2); Senate Bill: Schatz, Brian (D-HI) with Hirono, Mazie (D-HI) as cosponsor [S1032](#)
11. [Hawai'i Air Tour Management Act](#), H.R.2585 Rep Case, (D-HI-1); Senate Bill: Schatz, Brian (D-HI) with Hirono, Mazie (D-HI) as cosponsor [S1093](#)
12. [Reducing Helicopter Noise in the District of Columbia Act](#), H.R.1257, Rep Norton, Eleanor (D-WashDC)
13. [Communities Before Air Tourism Act](#), H.R.2613, Rep Menendez, Robert (D-NJ-8)

SECURITY

14. [Aircraft Ownership Transparency Act](#), H.R.2563, Rep Lynch, Stephen F. (D-MA-8)
15. [Civil Aviation Security and Safety Act of 2023](#), H.R.1187 Rep Lynch, Stephen F. (D-MA-8)

ADDITIONAL REFERENCES

[AICA Recommended legislation](#) for FAA Reauthorization Act of 2018 (updated 6-5-23)

[FAA REAUTHORIZATION ACT OF 2018](#)

DRAFT Senate FAA Reauthorization Act of 2023, "Incomplete and Subject to Change", Available from [Politico on 6/12/23](#).

APPENDIX

SEC. 472. Repeal of burdensome emissions credit requirements. Page 309

This is what the amendment would look like using the House 6-5-23 Draft:

(a) In General.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall issue guidance on how to ensure that airport sponsors **may** receive appropriate emission reduction credits for ~~carrying out projects~~ **carrying out projects, including projects** described in sections [40117\(a\)\(3\)\(G\)](#), [47102\(3\)\(K\)](#), and [47102\(3\)\(L\)](#). Such guidance shall include, at a minimum, the following ~~conditions~~ **considerations**:

- (1)** The provision of credits is consistent with the [Clean Air Act \(42 U.S.C. 7402 et seq.\)](#).
- (2)** Credits generated by the emissions reductions are kept by the airport sponsor, **including for an airport outside of a nonattainment area**, and may ~~only~~ be used for purposes of any current or future general conformity determination under the [Clean Air Act](#) ~~or as offsets~~ **as offsets** under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport, **or as part of a State implementation plan**.
- (3)** Credits are calculated and provided to airports on a consistent basis nationwide.
- (4)** Credits are provided to airport sponsors in a timely manner.
- (5)** The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.