
H.R. 302 Status Update and NATA Successes

Status:

President Donald Trump signed [H.R. 302, the FAA Reauthorization Act of 2018](#), into law on October 5th. NATA praised the President for supporting legislation that provides certainty for aviation businesses and assistance for vital industry programs. “We look forward to working with the Administration and federal agencies – including FAA, DOT, TSA, NTSB, and CBP – on implementing many provisions important to our membership,” stated NATA President and CEO Gary Dempsey. “It’s now time to get to work on executive these important issues that contribute to the safety and modernization of our nation’s air transportation system,” Dempsey concluded.

On October 3rd, the Senate passed H.R. 302 by a vote of 93-6. Immediately following passage, NATA [released](#) a press statement praising the upper chamber for enacting a long-term bill that will provide stability to the FAA and the industry over the next five years. Senators who opposed the bill included John Barrasso (R-WY), Ed Markey (D-MA), Rand Paul (R-KY), Jeff Merkley (D-OR), Mike Lee (R-UT), and Ron Wyden (D-OR). The bill now goes to President Trump for enactment into law. The President has until Sunday, October 7th to sign the measure.

The House passed the measure on September 26th, [click here](#) to read NATA’s press statement released following passage. The bill overwhelmingly passed, 398-23 with the following Representatives opposing the bill: Justin Amash (R-MI), Andy Biggs (R-AZ), Mo Brooks (R-AL), Ken Buck (R-CO), Warren Davidson (R-OH), Jeff Duncan (R-SC), Thomas Emmer (R-MN), Virginia Foxx (R-NC), Thomas Garrett (R-VA), Paul Gosar (R-AZ), Morgan Griffith (R-VA), Andy Harris (R-MD), Jeb Hensarling (R-TX), Jim Jordan (R-OH), Rohit Khanna (D-CA), Thomas Massie (R-KY), Tom McClintock (R-CA), Ralph Norman (R-SC), Jimmy Panetta (D-CA), Dana Rohrabacher (R-CA), Jim Sensenbrenner (R-WI), Jackie Speier (D-CA), Ann Wagner (R-MO).

NATA Successes in H.R. 302:

There are many provisions in the bill, both spearheaded and supported by NATA, that benefit aviation businesses across the country, including:

- **Section 133. Contract Tower Program:** Reforms the Contract Tower Program and the Cost-Share Program and revises the methodology for determining benefit-to-cost ratios for contract tower airports. The FAA is required to establish new procedures for participants in the Contract Tower Program to review and appeal determinations related to a benefit-to-cost ratio. This section also allows FAA-certified remote towers to be eligible for certain federal funds.
 - **Note:** NATA is engaged in ongoing discussions with the GAO as they conduct an audit of the program on the need for, and continued funding of, the program.
- **Section 143. Study on Airport Revenue Diversion:** Requires the GAO to study airport revenue diversion exemptions under Federal law.
 - **Note:** A 2019 top priority for the association.
- **Section 202. Safety Oversight and Advisory Committee:** Establishes a Safety Oversight and Certification Advisory Committee (SOCAC) comprised of industry stakeholders including general

aviation, commercial aviation, aviation labor, aviation maintenance, and the Administrator of the FAA. The SOCAC is responsible for providing advice and recommendations to the Secretary on policy-level issues related to FAA safety certification and oversight programs and activities, and establishing consensus national goals, strategic objectives and priorities to achieve the most efficient, streamlined and cost-effective certification and oversight processes. The SOCAC sunsets after six years.

- Note: NATA is pleased the FAA took the initiative to enhance regulatory certainty by beginning the realignment of the Flight Standards Service regional offices to specialized areas of aviation safety oversight and technical expertise similar to the Aircraft Certification Service. This type of organizational structure will be better aligned with the policy organizations in Washington DC, and provide for a more direct, streamlined flow of communication regarding policy implementation. NATA supports retention of language in establishing a *Safety Oversight and Certification Advisory Committee*. In addition, NATA supports the retention of two additional House provisions that will assist the Service in improving the efficiency of its work in support of stakeholders.
- Section 221. Flight Standards Performance Objectives and Metrics: Directs the Administrator, in collaboration with the SOCAC, to establish performance objectives and to apply and track metrics for the FAA and aviation industry relating to flight standards activities.
 - Note: It is not possible for FAA employees to personally oversee every facet of aviation, public law allows FAA to delegate certain functions, to private individuals or organizations. The Flight Standards Service has been slow to expand its use of delegation resulting in a concerning backlog of approvals and services for the general aviation industry. Aviation Safety Inspectors must rightly focus on higher priority risks which takes their attention away from general aviation aircraft owners. NATA supports retention of language requiring the Flight Standards Service to establish metrics to ensure progress is made at a minimum in “achieving full utilization of FAA delegation and designation authorities.”
- Section 222. FAA Task Force on Flight Standards Reform: Directs the FAA to establish an FAA Task Force on Flight Standards Reform (Task Force). The Task Force will be comprised of 20 industry experts and stakeholders, and be responsible for identifying best practices and providing recommendations for simplifying and streamlining flight standards processes, training for aviation safety inspectors, and achieving consistency in FAA regulatory interpretations and oversight.
 - Note: NATA supports retention of the provisions added to the reauthorization legislation to establish a Task Force to identify best practices and provide recommendations for simplifying and streamlining flight standards processes, training for aviation safety inspectors, and achieving consistency in FAA regulatory interpretations and oversight.
- Section 223. Centralized Safety Guidance Database: Directs the FAA to establish a Central Safety Guidance Database that will include all regulatory guidance documents of the FAA Office of Aviation Safety within one year of enactment, and make the database available to the public.
 - Note: The 2012 reauthorization (PL112-95, Section 313) required the FAA to convene a government/industry panel to develop recommendations to improve the consistency of FAA’s regulatory interpretations. NATA commends the retention language mandating the implementation of the panel’s top recommendation - a master source guidance system - by a date certain. Such an electronic guidance library should include a process to review and eliminate outdated or conflicting material on both a current and on-going basis.

- Section 311. Part 135 Accident and Incident Data: Requires the FAA to determine, in collaboration with the NTSB and part 135 industry stakeholders (commuter, on demand or air tour operators), what, if any, additional data should be reported as part of an accident or incident notice. The FAA shall then submit a report to Congress on its findings in an effort to more accurately measure the safety of on-demand part 135 aircraft activity, to pinpoint safety problems, and to form the basis for critical research and analysis of issues for more risk-based, data driven safety oversight.
 - Note: Currently neither the FAA nor the NTSB segments Part 135 incident data, making it difficult to accurately measure safety data and trends. Part 135 operations include a wide range of aircraft types and operations. The aircraft range from helicopters, to small single-engine piston airplanes to large globally capable passenger jets. Uses include transporting cargo, passengers, air tours, medical transfers, off shore oil rig trips and others. Because the data is so non-homogeneous it is impossible to derive clear trends or identify areas for safety emphasis and direct resources to the safety enhancements that will result in the most improvement. NATA requested Congress direct the FAA to collaborate with the NTSB and Part 135 industry stakeholders to determine what additional data points are appropriate to collect and report back to Congress on additional data that will be collected, the timeframe for implementation and any potential obstacles to implementation.
- Section 315. Aviation Rulemaking Committee for Part 135 Pilot Rest and Duty Rules: Establishes a rulemaking committee comprised of industry representatives, labor organizations, and safety experts to review and provide recommendations on pilot rest and duty rules for operations in part 135. The section further requires the FAA to submit a report on the committee’s findings and issue a notice of proposed rulemaking based on the consensus recommendations of the committee not later than one year after submittal of the report to Congress.
- Section 513. Part 91 Review, Reform, and Streamlining: Directs the FAA to establish a Task Force comprised of general aviation aircraft owners, operators, labor, and government representatives to assess the oversight and authorization processes and requirements for aircraft under part 91. This section sunsets the program on the day the report to Congress is submitted. Not later than one year after the date of enactment, the Administrator must implement the recommendations of the Task Force.
- Section 515. Pilots Sharing Flight Expenses with Passengers: Requires the DOT to issue advisory guidance on how pilots can share flight expenses with other passengers within the parameters of existing federal law.
 - Note: NATA supports the inclusion this provision which discusses pilots sharing flight expenses with passengers. While NATA agrees that pilots engaging in permissible sharing of expenses (in accordance with current rules at 14 CFR 61.113) may communicate with their passengers as they see fit, to include using internet-based communications, it is important to distinguish between private aircraft flights where expenses are shared by individuals with a common purpose and commercial flights where members of the public are transported by aircraft for remuneration (currently under the FAA’s authority). Initially proposed as an amendment NATA strongly opposed, the association worked with its author and the Committee to require the FAA to issue clearer guidance on permissible flight sharing and a related GAO study to provide private pilots with a greater understanding of such permissible flight sharing activities.

- Section 540. Report on Illegal Charter Flights: Requires the Secretary to submit an analysis of reports filed during the preceding 10-year period through the FAA’s illegal charter hotline that includes follow-up action the Secretary or the Administrator can take when a report is received, how the DOT or the FAA decide to allocate resources, challenges the DOT and the FAA face in identifying illegal operators, and recommendations for improving efforts to combat illegal charter operations.
 - Note: NATA supports the inclusion of Section 540 (supported by Senator Catherine Cortez Masto – D-NV) which directs the FAA to report on its efforts to combat illegal charter, helping the industry to understand the scope of the issue and what future steps might be needed to take to protect passengers and legitimate businesses. The language requires the FAA Administrator to submit an analysis of reports filed during the preceding ten-year period through the FAA’s illegal charter hotline, that includes follow up action the FAA takes when a report is received, how the FAA decides to allocate resources, challenges the FAA faces in identifying illegal operators, and recommendations for improving efforts to combat illegal charter operations. NATA looks forward to working with the FAA, through the association’s Illegal Charter Task Force, to stamp out illegal operations.

- Section 563. Access of Air Carriers to Information about Applicants to be Pilots from National Driver Register: Authorizes an air carrier that is the prospective employer of a pilot to request and receive information about such an individual from the National Driver Register through an organization approved by the DOT for purposes of obtaining and transmitting the information directly to the prospective employer or an authorized agent.

- Section 565. Aviation Fuel: Directs the FAA to allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if the FAA determines the unleaded aviation gasoline as a replacement for an approved leaded gasoline, identifies the aircraft and engines that are eligible to use the qualified replacement, and adopts a process for eligible aircraft to operate using the qualified replacement in a safe manner. Furthermore, this section ensures that existing certification processes may be used for unleaded aviation gasoline certification.

- Section 625. Aviation Workforce Development Programs: Requires FAA to establish an aircraft pilot workforce development program to support the education of future pilots and development of a pilot workforce. It also directs the FAA to establish a program to provide grants (\$5 million/year for FY 2019-23) for eligible projects to support the education of future pilots and the development of the aircraft pilot workforce. Eligible projects include those that create and deliver curricula designed to prepare high school students to become aircraft pilots, aerospace engineers, or unmanned aircraft systems operators.
 - Note: A highly-supported issue by NATA and industry.