



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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March 3, 2023

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Aviation
FROM: Staff, Subcommittee on Aviation
RE: Subcommittee Hearing on “*FAA Reauthorization: Securing the Future of General Aviation*”

I. PURPOSE

The Subcommittee on Aviation will meet on Thursday, March 9, 2023, at 10:00 a.m. ET in 2167 Rayburn House Office Building for a hearing titled, “*FAA Reauthorization: Securing the Future of General Aviation.*” The hearing will examine challenges facing the general aviation community in advance of Congress acting to reauthorize the Federal Aviation Administration’s (FAA) statutory authorities, which expire on October 1, 2023. This year’s FAA reauthorization bill is expected to include the first-ever general aviation title for which this hearing will provide an opportunity to hear from stakeholders of the general aviation community on issues and potential legislative solutions prior to the upcoming FAA reauthorization bill. The Subcommittee will hear testimony from witnesses representing the Aircraft Owners and Pilots Association (AOPA), the Experimental Aircraft Association (EAA), the American Association of Airport Executives (AAAE), and the National Air Transportation Association (NATA).

II. BACKGROUND

According to the FAA, “general aviation” describes a diverse range of aviation activities and includes all segments of the aviation industry except commercial air carriers and the military.¹ General aviation activities include training of new pilots and pilots interested in additional ratings or certifications, aerial firefighting, air tourism, crop dusting and surveying, movement of heavy loads by helicopter, experimental and sport flying, flying for personal or business reasons, and emergency medical services.² General aviation aircraft range from one-seat

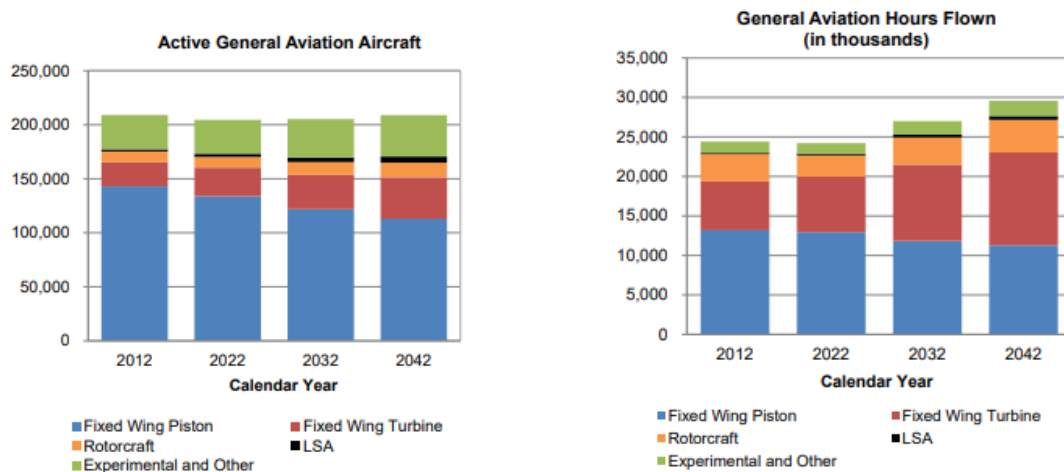
¹ FAA, *FAA Aerospace Forecasts FY 2003–2014*, Chapter 5 (2014), available at https://www.faa.gov/data_research/aviation/aerospace_forecasts/2003-2014/.

² *Id.*

single-engine piston aircraft to long-range corporate jets.³ It also includes rotorcraft, gliders, and amateur-built aircraft.⁴

General aviation is commonly referred to as the backbone of the aviation system as it underpins the aviation industry, and is an important part of our National economy. According to a 2018 study, general aviation supported more than 1.2 million jobs, generated \$247 billion in output, and contributed \$128 billion to the United States Gross Domestic Product.⁵

In terms of fleet size, “the active general aviation fleet, which showed a decline of 3.2 percent between 2019 and 2020, is projected to increase from its 2021 level of 204,405 aircraft to 208,905 by 2042,” a 2.2 percent increase.⁶ The FAA forecasts general aviation operations will increase an average of 0.6 percent a year through 2042, as increases in the use of turbine powered aircraft offset declines in piston aircraft use.⁷ Specifically, “general aviation operations accounted for 57 percent of operations in 2021... and has been increasing since the pandemic, from 51 percent in 2019 to 56 percent in 2020, and 57 percent in 2021.”⁸ Despite forecasted operational growth, the FAA projects that the number of general aviation pilots (excluding students and Airline Transport Pilots) will remain flat between 2021 and 2042, at around 306,400.⁹



Source: FAA Aerospace Forecast Fiscal Years 2022-2042

³ *Id.*

⁴ *Id.*

⁵ Dan Namowitz, *GA a Force in National, Local Economies*, AOPA, (Feb. 19, 2020), available at <https://www.aopa.org/news-and-media/all-news/2020/february/19/ga-a-force-in-national-and-local-economies>.

⁶ FAA, FAA AEROSPACE FORECAST FISCAL YEARS 2022-2042 at 28 (June 28, 2022), available at https://www.faa.gov/sites/faa.gov/files/2022-06/FY2022_42_FAA_Aerospace_Forecast.pdf [hereinafter *Aerospace Forecast*].

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

FUNDING FOR GENERAL AVIATION AIRPORTS

A general aviation airport is a public-use airport that does not have scheduled service or has scheduled service with less than 2,500 annual passenger boardings.¹⁰ The current National Plan of Integrated Airport Systems (NPIAS) identifies 2,904 nonprimary airports that serve mainly general aviation activity, accounting for approximately 90 percent of existing NPIAS airports.¹¹

Unlike commercial airports, general aviation airports do not have access to the passenger facility charge (PFC), which helps fund airport terminal and other capital projects at commercial airports.¹² However, general aviation airports included in the NPIAS are eligible for Airport Improvement Program (AIP) funds.¹³ General aviation airports are able to receive funds through entitlements, or formula funds, to airports, which can be used for eligible airport development projects.¹⁴ Usually, general aviation, reliever, and nonprimary commercial service airports are allocated 20 percent of AIP funds, subject to apportionment.¹⁵ From that share, those airports receive the lesser of either \$150,000 or one-fifth of the estimated five-year costs for airport development for each airport as listed in the most recent NPIAS.¹⁶ Any remaining funds are then distributed to each airport according to a state-based population and area formula.¹⁷ General aviation airports that receive entitlements can also apply for discretionary funds, which are awarded on a competitive basis.¹⁸

GENERAL AVIATION SAFETY

Over the past four decades, general aviation has become significantly safer with the number of fatal and nonfatal accidents declining since 2000.¹⁹ Experts suggest this is due to numerous factors, including advancements in aircraft equipment and technologies, improved pilot training, improved education programs, and advocacy efforts across the general aviation

¹⁰ 49 U.S.C. § 47102(8).

¹¹ FAA, UNITED STATES DEP'T OF TRANSPORTATION, NAT'L PLAN OF INTEGRATED AIRPORT SYSTEMS (NPIAS) 2023–2027, (Sept. 30, 2022), available at <https://www.faa.gov/sites/faa.gov/files/npias-2023-2027-narrative.pdf>. [hereinafter *NPIAS 2023-2027*].

¹² See 49 U.S.C. § 40117 (b).

¹³ FAA, *Overview: What is AIP & What is Eligible?*, (last updated Aug. 2, 2022), available at https://www.faa.gov/airports/aip/overview/#eligible_airports.

¹⁴ 49 U.S.C. §47114.

¹⁵ *Financing Airport Improvements*, CONG. RESEARCH SERVICE (R43327), at 6 (2019), available at <https://crsreports.congress.gov/product/pdf/R/R43327>.

¹⁶ *Id.* at 6-7.

¹⁷ *Id.* at 7.

¹⁸ *Id.*

¹⁹ BUREAU OF TRANSP. STATISTICS, UNITED STATES GENERAL AVIATION SAFETY DATA, available at <https://www.bts.gov/content/us-general-aviation-safety-data> (last visited Feb 21, 2023), [hereinafter *General Aviation Safety Data*].

community.²⁰ Preliminary general aviation safety data shows the fatality rate per 100,000 flight hours has steadily declined in the past few decades.²¹ The average fatality rate from 2012 to 2020 was 1.07, while the preceding decades were 1.29 and 1.49 respectively.²² Despite these marked advancements, significant room for improvement remains. General aviation has the highest aviation accident rates within civil aviation. In 2012, the National Transportation Safety Board (NTSB) found that general aviation accident rates were about six times higher than small commuter and air taxi operations and over 40 times higher than larger transport category operations.²³

As required by section 308 of the *FAA Reauthorization Act of 2018* (P.L. 115-254), the FAA, in coordination with the NTSB, conducted a study of all general aviation accidents from 2000 through 2018.²⁴ The study showed there were 18,481 general aviation accidents that involved 18,613 aircraft over that period, resulting in 3,647 fatal accidents.²⁵ When taking all factors into consideration, the most common type of factors analyzed by the FAA and NTSB relating to general aviation accidents involved the pilot's control of the aircraft and actions or decisions — particularly those related to weather.²⁶

III. GENERAL AVIATION: ISSUES FOR CONSIDERATION

DESIGNATED PILOT EXAMINERS

A designated pilot examiner (DPE) is an appointed individual who is authorized to conduct the flight tests necessary for issuing pilot certificates and ratings.²⁷ Several general aviation operators and flight schools assert there is a Nationwide shortage of the DPEs necessary to meet the needs of student pilots and pilots seeking additional certifications and ratings.²⁸ Significant wait times to schedule a check ride with a DPE can prolong an applicant's training time and costs.²⁹ A 2022 survey conducted by the Flight School Association of North America found that 38 percent of 519 respondents reported that their wait was more than a month to schedule an initial practical test.³⁰

²⁰ *FAA Reauthorization: Aviation Safety and General Aviation: Hearing Before the Subcomm. on Aviation & Operations of the S. Comm. on Commerce, Science, & Transp.*, 114th Cong., (Apr. 28, 2015) (statement of Margaret Gilligan, Assoc. Admin. for Aviation Safety, FAA); *see also* John Zimmerman, *General Aviation Safety Trends: What Should We Worry About?*, PLANE&PILOT MAGAZINE (Dec. 13, 2021), available at <https://www.planeandpilotmag.com/news/pilot-talk/2021/12/13/general-aviation-safety-trends-what-should-we-worry-about/>; *see also* *General Aviation Safety Continues To Improve*, PLANE&PILOT MAGAZINE, (Dec. 18, 2019), available at <https://www.planeandpilotmag.com/article/general-aviation-safety-continue-improve/>.

²¹ *General Aviation Safety Data*, *supra* note 19.

²² *Id.*

²³ NTSB, *NTSB Most Wanted List: Improve General Aviation* (2012), available at https://www.nts.gov/Advocacy/mwl/Documents/ga_safety.pdf.

²⁴ Pub. L. 115-254, §308, 132 Stat. 3186.

²⁵ FAA, REPORT TO CONGRESS, FAA AND NTSB REVIEW OF GENERAL AVIATION SAFETY (Jan. 13, 2021), available at <https://www.faa.gov/about/plansreports/nts-review-general-aviation-safety>.

²⁶ *Id.*

²⁷ 14 C.F.R §183.23 (2023).

²⁸ Janice Wood, *How much did you pay for your check ride?*, GENERAL AVIATION NEWS, (Oct. 19, 2022), available at <https://generalaviationnews.com/2022/10/31/how-much-did-you-pay-for-your-check-ride/>.

²⁹ *Id.*

³⁰ *Id.*

Section 319 of the *FAA Reauthorization Act of 2018* required a review of all regulations and policies related to DPEs appointed under section 183.23 of title 14, Code of Federal Regulations.³¹ From this review, a working group proposed 12 recommendations to improve the overall DPE system.³² In response, the FAA accepted three recommendations, partially accepted five recommendations, rejected two recommendations, and noted that two recommendations were already implemented or in progress.³³ Several general aviation stakeholders were party to the mandated review and some have encouraged the Subcommittee to examine supply and demand of DPEs Nationwide.

TRANSITION TOWARDS AN UNLEADED FUTURE

According to the National Academies of Sciences, Engineering, and Medicine, “nearly all the country’s approximately 170,000 active piston-engine aircraft burn a grade of aviation gasoline (avgas), designated as ‘100LL,’ that contains lead.”³⁴ Avgas remains one of the only transportation fuels in the United States to contain lead, with more than 222,600 registered piston-engine aircraft that can operate on leaded avgas.³⁵ This leaded fuel contains tetra-ethyl-lead, which is an additive used to prevent engine damage at higher power settings.³⁶ Because 100LL can be used by all kinds of piston-engine aircraft, this single grade is the only type of fuel consistently available for general aviation operations and is the only FAA-certified fuel for use by these aircraft.³⁷ Although the FAA does not have direct regulatory responsibility for aviation fuels, it provides the initial certification approval of the aircraft with the fuel it operates on, and it oversees aircraft operators to ensure use of the correct fuel.³⁸

Section 177 of the *FAA Reauthorization Act of 2018* directed the National Academies of Science to study avgas.³⁹ The committee conducting the study noted in its 2021 report “that currently there is no individual, certain solution to the aviation lead problem, and therefore a multi-pathway mitigation approach offers the greatest potential for tangible and sustained progress.”⁴⁰

³¹ Pub. L. 115-254, §319, 132 Stat. 3186.

³² AVIATION RULEMAKING ADVISORY COMMITTEE, DESIGNATED PILOT EXAMINER REFORMS WORKING GROUP, A REPORT FROM THE DESIGNATED PILOT EXAMINER REFORMS WORKING GROUP TO THE AVIATION RULEMAKING ADVISORY COMMITTEE (June 17, 2021), *available at* https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/ARAC%20DPEWG%20Final%20Recommendation%20Report%20June%202021.pdf.

³³ FAA, FAA RESPONSE TO THE REPORT FROM THE DESIGNATED PILOT EXAMINER REFORMS WORKING GROUP TO THE AVIATION RULEMAKING ADVISORY COMMITTEE DATED JUNE 17, 2021, (May 25, 2022), *available at* https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/FAA%20Response%20to%20DPE%20RWG%20ARAC%20Report_FINAL_2022-05-25B_SenttoARM.pdf.

³⁴ NAT’L ACADEMIES PRESS, OPTIONS FOR REDUCING LEAD EMISSIONS FROM PISTON-ENGINE AIRCRAFT, (TRANSP. RESEARCH BOARD SPEC. REP. 336) (2021), *available at* <https://nap.nationalacademies.org/read/26050/chapter/1#vii>. [hereinafter *Nat’l Acad. of Sci. Report*].

³⁵ FAA, *Aviation Gasoline*, (last visited Feb. 21, 2022), *available at* <https://www.faa.gov/about/initiatives/avgas>.

³⁶ *Id.*

³⁷ *Nat’l Acad. of Sci. Report*, *supra* note 34.

³⁸ *Id.*

³⁹ Pub. L. 115-254, §177, 132 Stat. 3186.

⁴⁰ *Nat’l Acad. of Sci. Report*, *supra* note 34.

In February 2022, the FAA, the Environmental Protection Agency (EPA), fuel suppliers and distributors, airports, and engine and aircraft manufacturers announced the Eliminate Aviation Gasoline Lead Emissions (EAGLE) Initiative — a collaborative initiative to permit both new and existing general aviation aircraft to operate lead-free, without compromising aviation safety and the economic and broader public benefits of general aviation.⁴¹ Specifically, the initiative seeks to (1) establish the necessary infrastructure, efficient distribution channels, and widespread usage of unleaded fuels; (2) support research and testing of piston engine modifications and/or engine retrofits necessary for unleaded fuel operations; and (3) address fleet-wide authorization of unleaded aviation fuels of different octane levels.⁴²

General aviation stakeholders, in coordination with the FAA, are working to move the piston aviation fleet towards a viable and safe unleaded future in an efficient and economical manner. The EAGLE Initiative proposes to achieve the widely held goal of eliminating lead emissions from general aviation by 2030.⁴³ As part of this effort, the FAA announced in September 2022 it had granted a supplemental type certificate (STC) approval for the first unleaded fuel for use in every general aviation engine using spark-ignition; more are expected to follow.⁴⁴

That said, some general aviation operators may be concerned about the continued availability of avgas at airports until unleaded alternative fuels are widely available to the piston aviation fleet. Concerns pertaining to the larger effort to remove lead from avgas include: (1) ensuring the reliable production and distribution of unleaded alternative fuels once approved; (2) educating general aviation pilots during the transition to prevent misfuelling; and (3) ensuring the installation of unleaded avgas storage and dispensing systems at thousands of small airports across the country.⁴⁵

AIRPORT & AIRSPACE ISSUES

Airport Funding

As previously stated, since general aviation airports do not have access to the PFC to fund airport terminal and other capital projects, smaller airports are much more reliant on the AIP to meet their capital needs. The current NPIAS estimates that through 2027, there are \$19 billion in AIP-eligible development costs at nonprimary airports which are estimated to service 58 percent of the active general aviation fleet.⁴⁶ Meanwhile, contract authority for AIP has remained flat, at \$3.35 billion per year, for more than a decade. Moreover, there are growing concerns that inflation and rising construction costs continue to undermine the ability for general

⁴¹ Press Release, FAA, *FAA, Industry Chart Path to Eliminate Lead Emissions from General Aviation by the end of 2030*, (Feb. 23, 2022) available at <https://www.faa.gov/newsroom/faa-industry-chart-path-eliminate-lead-emissions-general-aviation-end-2030>.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Julie Boatman, *GAMI Gains Avgas STC for Pistons on Unleaded Fuel*, FLYING MAG, (Sept. 2, 2022), available at <https://www.flyingmag.com/gami-gains-avgas-stc-for-pistons-on-unleaded-fuel/>.

⁴⁵ Jill Tallman, *FAA Approves Unleaded Fuel For Piston Fleet*, AOPA, (Sept. 1, 2022), available at <https://aopa.org/news-and-media/all-news/2022/september/01/closer-to-an-unleaded-future>.

⁴⁶ NPIAS 2023-2027, *supra* note 11.

aviation airports to complete cost-effective projects and threaten the value these projects provide to the communities they serve.

Separately, there are nearly 2,000 public-use, general aviation airports not eligible to receive Federal funding for capital improvement projects.⁴⁷ These airports are often located in rural areas and potentially provide critical access to the communities they serve. Many general aviation operators and lawmakers are interested in ensuring continued air service and airspace access through the maintenance and modernization of infrastructure at all general aviation airports.

FAA Contract Tower Program

The FAA Contract Tower (FCT) Program is a public-private partnership that serves as an integral component of the air traffic management system managing over 25 percent of the Nation's air traffic control operations at towered airports.⁴⁸ The program currently provides for the contract operation of air traffic control services at over 250 airports in at least 46 states.⁴⁹ General aviation operators and airports continue to underscore the importance of the FCT program and advocate for critical infrastructure upgrades to ensure contract towers can continue to operate safely and efficiently.

Remote Air Traffic Control Towers

Technology could enable some airports to provide air traffic services remotely. Remote air traffic control towers propose to leverage cameras, microphones, meteorological sensors, and other monitoring equipment to provide air traffic control specialists with sufficient information to provide air traffic control tower services.⁵⁰ The controllers themselves are located at facilities which receive real-time data and video from these sensors and equipment.⁵¹ For some locations, it has been proposed that the controllers would still be on-site, using the remote capabilities to erect a cheaper mast with sensors instead of a brick and mortar tower; at other locations it has been proposed that the controllers could be located off-site altogether. Regardless, the controller at the remote location would provide air traffic services to the airport the same way he or she would in a normal tower.⁵² The FAA is currently exploring using this technology at airports located in rural and remote areas, possibly improving safety and increasing access to the National Airspace System (NAS).

⁴⁷ *NPIAS 2023-2027*, *supra* note 11.

⁴⁸ *The State of General Aviation: Hearing Before the Subcomm. on Aviation of the H. Comm. on Transp. and Infrastructure*, 117th Cong., (July 13, 2022) (statement of Chris Rozansky, Exec. Dir., Naples Airport Authority; on behalf of the American Assoc'n of Airport Executives).

⁴⁹ FAA, *FAA Contract Tower Program*, (last visited Feb. 27, 2023), available at https://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/mission_support/faa_contract_tower_program.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

WORKFORCE DEVELOPMENT

Aviation Workforce Development Grants

Section 625 of the *FAA Reauthorization Act of 2018* authorized five million dollars for a pilot workforce development program and five million dollars for an aviation maintenance technician workforce development program.⁵³ This workforce development program has enjoyed broad support from many general aviation stakeholders as it encourages collaboration between government, industry, and local entities to address skills gaps and encourage more Americans to pursue good-paying careers in aviation. Several stakeholders are concerned that the program is oversubscribed, with the FAA receiving hundreds of grant applications in the initial funding round, but only able to award 30 workforce development grants. Many general aviation stakeholders have expressed interest in continuing and potentially expanding this program in the next FAA reauthorization bill.

National Center for the Advancement of Aviation

A proposal to establish a “National Center for the Advancement of Aviation” (NCAA) is supported by a broad coalition of general aviation stakeholders, who believe that such a center would improve government and aviation industry collaboration on programs to enhance the United States aviation workforce and help maintain United States global leadership in aviation.⁵⁴ In the 117th Congress, the House passed H.R. 3482, a bill to establish the NCAA, a federally-chartered, independent entity focused that would promote aviation workforce development and aviation education.⁵⁵ The NCAA would fund scholarships, apprenticeships, aviation curriculum development, and other outreach efforts to encourage students to pursue careers in aviation. It would also launch initiatives to assist military personnel and veterans seeking a career in civil aviation. Furthermore, the NCAA would serve as a central repository for universities, industry, and other institutions to share information on workforce development and skills training. Many stakeholders have requested that the Subcommittee include the authorization for the NCAA in the 2023 FAA reauthorization bill.

OTHER ISSUES

In addition to the issues discussed above, the following subjects may also be raised at the hearing:

- *Aircraft Registry Backlog*: Several general aviation aircraft owners have been negatively affected by the aircraft registry backlog which has resulted in aircraft owners waiting upwards of six months to register, or re-register, their aircraft with the FAA.⁵⁶ As of February 20, 2023, the FAA’s registry office was still processing some documents received on October

⁵³ Pub. L. 115-254, §625, 132 Stat. 3186.

⁵⁴ Letter to Representative DeFazio and Representative Graves, Industry Letter in support of the Nat’l Center for the Advancement of Aviation, (Apr. 28, 2022) (on file with Comm.).

⁵⁵ *Nat’l Center for the Advancement of Aviation Act of 2022*, H.R. 3482, 117th Cong. (2021).

⁵⁶ *Time running out for 2022 aircraft registrations*, GENERAL AVIATION NEWS, (Dec. 6, 2022), available at <https://generalaviationnews.com/2022/12/06/time-running-out-for-2022-aircraft-registrations/>.

6, 2022.⁵⁷ Although the FAA’s recently promulgated rule extending aircraft registration to seven years (up from three years) is expected to provide relief to the backlog, many lawmakers and general aviation stakeholders remain concerned about the Agency’s ability to address the backlog in a timely manner.

- *Modernization of Special Airworthiness Certification (MOSAIC) Rulemaking:* The FAA is collaborating with the general aviation community to modernize regulations for Light Sport Aircrafts (LSAs) with the goal of providing greater operational capabilities and improving performance standards for these aircraft.⁵⁸ The forthcoming rule has been subject to delays, but it is widely anticipated that the FAA will make demonstrable progress this year.⁵⁹
- *New Entrants in the National Airspace System:* The general aviation community supports the safe enabling and operation of new entrant technologies into the NAS, including unmanned aircraft system (UAS) and advanced air mobility (AAM) operations.⁶⁰ However, there are differences in opinion regarding the planned safe integration of these new entrants, with a recent focus on unmanned operations following publication of the final report issued by the UAS Beyond Visual Line-of-Sight (BVLOS) Operations Aviation Rulemaking Committee (ARC).⁶¹ Of particular concern to some stakeholders are the BVLOS ARC’s proposed changes to right-of-way flight rules and low altitude operations near structures.⁶² Enabling BVLOS operations for UAS offers substantial opportunities and also raises important policy issues such as airspace rules and aviation safety.

⁵⁷ FAA, *Aircraft Registration*, (last updated Feb. 6, 2023), available at https://www.faa.gov/licenses_certificates/aircraft_certification/aircraft_registry/.

⁵⁸ Press Release, EAA, *Pushing GA Forward with MOSAIC*, (Jan. 3, 2019), available at <https://www.eaa.org/ea/news-and-publications/ea-news-and-aviation-news/news/2019-01-03-pushing-ga-forward-with-mosaic>.

⁵⁹ Dan Johnson, *Proposed changes to LSA delayed*, GENERAL AVIATION NEWS, (Aug. 7, 2022), available at <https://generalaviationnews.com/2022/08/07/proposed-changes-to-lsa-delayed/>.

⁶⁰ BVLOS ARC Coalition of Aviation Associations Statement of Non-Concurrence, Letter from AIA, AOPA, ALPA, GAMA, HAI, and Praxis Aerospace Corp. to BVLOS ARC CO-CHAIRS Eileen Lockhart and Sean Cassidy, (Mar. 3, 2022), available at https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/APPENDIX_F-Combined_Voting_Ballots_03242022.pdf.

⁶¹ *Id.*

⁶² *Id.*

IV. WITNESSES

Mr. Mark Baker

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Mr. Jack Pelton

Chief Executive Officer and Chairman of the Board
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Mr. Rick Crider

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