



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

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September 23, 2019

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Aviation
FROM: Staff, Subcommittee on Aviation
RE: Subcommittee Hearing on “A Work in Progress: Implementation of the *FAA Reauthorization Act of 2018*”

PURPOSE

The Subcommittee on Aviation will meet on Thursday, September 26, 2019, at 10:00 a.m. in 2167 Rayburn House Office Building to hold an oversight hearing titled, “A Work in Progress: Implementation of the *FAA Reauthorization Act of 2018*.” The hearing will examine progress within the Federal Aviation Administration (FAA) and Department of Transportation (DOT) in implementing the long-term FAA reauthorization act enacted last year.

BACKGROUND

On October 5, 2018, President Trump signed into law the *FAA Reauthorization Act of 2018* (Pub. L. No. 115-254), a five-year reauthorization of FAA and DOT aviation programs. Enactment of the bill followed a series of short-term extensions of aviation program authorizations after the most recent long-term reauthorization expired on September 30, 2015.

The *FAA Reauthorization Act of 2018* altogether contains more than 400 mandates for FAA and DOT to issue regulations, prepare reports to Congress, and conduct studies in the fields of aviation safety, airport infrastructure, agency management, and aviation consumer protections. This memo reflects the status of the more widely-watched mandates.

I. AVIATION SAFETY

A. Flight Attendant Fatigue

MANDATE	DEADLINE	STATUS
To FAA: Require that flight attendants receive a minimum of 10 hours' rest between flight duty periods.	November 4, 2018	DELAYED

While FAA in 2012 started requiring U.S. commercial airlines to provide pilots with a rest period of at least 10 consecutive hours preceding a flight duty period,¹ the flight and duty period limitation for flight attendants has not been updated since 1994.² In contrast to the rules for pilots, the current regulation allows a flight attendant to remain on duty for 14 hours with only an eight-hour break between flights.

The FAA bill directed the Secretary of Transportation to update the outdated rule by requiring a 10-hour minimum rest period for flight attendants between duty periods, establishing parity with pilots, by November 4, 2018. The bill also required airlines to adopt and submit, to FAA, fatigue risk management plans similar to those adopted for pilots to reduce the incidence of fatigue among flight attendants.³

The DOT missed the statutory deadline of November 4, 2018, for updating the 1994-era regulation, and in fact did not even initiate a rulemaking proceeding on the matter until February 21, 2019.⁴ Although the FAA bill afforded the Secretary no discretion with respect to the contents of the revised rule, DOT has nonetheless determined that the rule revision must be subject to full notice-and-comment rulemaking requirements, further delaying issuance of a final rule. As of this writing, the Department was expected to issue an advance notice of proposed rulemaking this week, seeking comments on the costs to airlines and other interested stakeholders, and will follow up with a notice of proposed rulemaking in spring 2020.

Despite the Department's delay, some airlines—Alaska, Delta (starting in 2020), Frontier, Hawaiian, JetBlue, Southwest, and United—have voluntarily opted into the requirements of the bill by building at least 10 hours of rest into flight attendants' work schedules, while others, including multiple regional carriers that operate on behalf of American, Delta, and United, have not.⁵

¹ 14 C.F.R. part 117.

² 59 Fed. Reg. 42974 (Aug. 19, 1994); *see also* 60 Fed. Reg. 52625 (Oct. 10, 1995) (detailing the date of compliance with respect to the duty limitations and rest requirements in the 1994 final rule).

³ Pub. L. No. 115-254, § 335.

⁴ Dep't of Transp., Report on DOT Significant Rulemakings, August 2019, available at <https://www.transportation.gov/sites/dot.gov/files/docs/regulations/350431/august-2019-significant-rulemaking-reportfinal.docx>.

⁵ Information provided by the Association of Flight Attendants (AFA) (on file with staff).

B. Emergency Evacuations

MANDATE	DEADLINE	STATUS
To FAA: Establish minimum dimensions for passenger seats on air carrier aircraft.	November 4, 2019	PENDING
To FAA: Assess and report to Congress on whether the assumptions and methods for certifying compliance with evacuation requirements should be revised.	November 4, 2019	PENDING

The Federal Aviation Regulations require that the design of an airliner, by virtue of the locations and types of emergency exits, must permit all passengers to evacuate the aircraft within 90 seconds with half the exits blocked.⁶

But recent accidents have raised concerns about whether all passengers can, in fact, evacuate an airliner in 90 seconds, given passengers’ propensity to carry on large bags such as roll-aboard suitcases and other behavioral shifts over the last decade. For example, the NTSB concluded that it took *at least* 2 minutes and 21 seconds—51 seconds longer than the FAA assumes—for 161 passengers to evacuate a lightly-loaded American Airlines 767-300ER after an uncontained engine failure and fire during takeoff at Chicago O’Hare in 2016.⁷ In its January 2018 report on that accident, the NTSB concluded that:

[E]vidence of passengers retrieving carry-on baggage during this and other recent emergency evacuations demonstrates that previous FAA actions to mitigate this potential safety hazard have not been effective. Therefore, the NTSB recommends that the FAA conduct research to (1) measure and evaluate the effects of carry-on baggage on passenger deplaning times and safety during an emergency evacuation and (2) identify effective countermeasures to reduce any determined risks, and implement the countermeasures.⁸

The FAA is responding to those recommendations. Moreover, in-cabin video footage of passengers evacuating Emirates flight 521, a Boeing 777-300 that crash-landed in Dubai in 2016, shows passengers retrieving large carry-on items from overhead bins despite smoke billowing into the cabin from a large fire on the wing that eventually destroyed the aircraft.⁹ And the U.K. Civil Aviation Authority issued a notice to U.K. airlines in 2015 warning that “significant numbers of

⁶ See 14 C.F.R. §§ 25.803, 25.807; 14 C.F.R. part 25, app’x. J.

⁷ Nat’l Transp. Safety Bd., NTSB/AAR-18/01, *Uncontained Engine Failure and Subsequent Fire, American Airlines Flight 383, Boeing 767-323, N345AN, Chicago, Illinois, October 28, 2016*, at 27 (2018).

⁸ *Id.* at 66. The Safety Board found that “some passengers evacuated from all three usable exits with carry-on baggage. In one case, a flight attendant tried to take a bag away from a passenger who did not follow the instruction to evacuate without baggage, but the flight attendant realized that the struggle over the bag was prolonging the evacuation and allowed the passenger to take the bag. In another case, a passenger came to the left overwing exit with a bag and evacuated with it despite being instructed to leave the bag behind.” *Id.* at 65.

⁹ The Aviation Herald, *Emirates Boeing 777-300 Registration A6-EMW*, <http://avherald.com/h?article=49c12302&opt=0>; YouTube (Aug. 3, 2016), <https://www.youtube.com/watch?v=nUg7zOBB3Ig>.

passengers attempt to take hand baggage with them when evacuating an aircraft” and encouraging the airlines to change their procedures to address this trend.¹⁰

In addition to passengers’ propensity to carry on large bags, reduced spacing between seats to accommodate more passengers per flight may affect cabin evacuation times. Accordingly, the FAA bill directs FAA to “issue regulations that establish minimum dimensions for passenger seats on aircraft operated by air carriers . . . , including minimums for seat pitch, width, and length, and that are necessary for the safety and health of passengers.”¹¹

The bill also directs FAA to reassess the assumptions and methods for certifying transport-category airplane designs’ compliance with the requirement that evacuations must be possible within 90 seconds.¹²

C. Secondary Cockpit Barriers

MANDATE	DEADLINE	STATUS
To FAA: Require installation of a secondary cockpit barrier on each newly manufactured airplane delivered to a major air carrier.	October 5, 2019	LIKELY DELAYED

After the terror attacks of September 11, 2001, FAA and other civil aviation authorities worldwide mandated that passenger airlines equip their fleets with impenetrable cockpit doors. However, the Air Line Pilots Association and other stakeholders have expressed continued concern that, when one pilot leaves the cockpit during flight (to use the lavatory, example), a passenger could forcibly gain access to the cockpit during the moments when the cockpit door is open. In those moments, the only protection for the cockpit is a flight attendant or service cart stationed in front of the cockpit entry area.

To protect the cockpit during these moments of vulnerability, aviation vendors have developed a device called a secondary cockpit barrier, which flight attendants can extend from one side of the cabin to the other, near the forward lavatory and galley, when a pilot needs to exit the cockpit during flight. The barrier would make it much more difficult for a would-be attacker to reach the cockpit entryway while the cockpit door is open.

Accordingly, the FAA bill directed FAA to require installation of secondary cockpit barriers on “each new aircraft that is manufactured for delivery to a passenger air carrier” in the United States by October 5, 2019.¹³

We do not, however, expect FAA to meet the statutory deadline. On June 20, 2019, FAA tasked a working group of the standing Aviation Rulemaking Advisory Committee to make

¹⁰ U.K. Civil Aviation Auth., Safety Notice No. SB-2015/06, “Management of Cabin Baggage in the Event of an Aircraft Evacuation” (Oct. 23, 2015), *available at* <http://publicapps.caa.co.uk/docs/33/SafetyNotice2015006.pdf>.

¹¹ Pub. L. No. 115-254, § 577.

¹² *Id.* § 337.

¹³ *Id.* § 336.

recommendations regarding, among other things, “a full range of options to achieve the objectives of [the mandate]” and “costs and benefits for recommended actions and alternative actions.” The working group’s recommendations were due to FAA on September 19, 2019,¹⁴ although FAA staff advised that the working group will request a short extension of the deadline to finalize the recommendations.

D. Lithium Batteries

MANDATE	DEADLINE	STATUS
To DOT: Conform U.S. safety regulations regarding air transport of lithium batteries with international standards.	January 3, 2019	COMPLETED

For some years, the aviation community has known that lithium batteries transported as cargo pose special risks to the safety of flight. When ignited, either through self-induced thermal runaway within a single cell or by an independent source, they burn at extremely high temperatures, and traditional aircraft fire suppressants cannot extinguish the ensuing fire.

FAA testing in 2015 established that a fire involving just eight lithium-ion batteries at 50 percent charge in the cargo hold of a passenger airplane could be uncontrollable and result in catastrophic failure of the airplane structure.¹⁵ Recognizing the safety hazards associated with lithium battery shipments, the U.N. International Civil Aviation Organization (ICAO) voted to ban bulk shipments of lithium batteries from the cargo holds of passenger jets in 2016 until safety regulators and airframe manufacturers can understand more about preventing and containing lithium-fed fires.

The FAA and other civil aviation authorities have likewise begun requiring that spare lithium batteries be placed in carry-on baggage, rather than checked baggage, so that fires can be detected and extinguished before they become uncontrollable. Regulators have also considered banning all portable electronic devices (PEDs) from checked baggage for the same reason; a U.S. submission in 2017 to the ICAO Dangerous Goods Panel stated that FAA testing “indicates that large PEDs in checked baggage mixed with an aerosol can produce an explosion and fire that the aircraft cargo fire suppression system . . . may not be able to safely manage,” leading to “the loss of the aircraft.”¹⁶

The FAA bill directed DOT to harmonize U.S. standards with those adopted by ICAO with respect to air transportation of lithium batteries.¹⁷ The Department issued an interim final rule fulfilling that mandate on March 6, 2019.¹⁸ Importantly, the interim final rule prohibits the carriage of lithium batteries as cargo on passenger aircraft and limits the state of charge of lithium batteries shipped on all-cargo aircraft to no more than 30 percent.

¹⁴ FAA, *Aviation Rulemaking Advisory Committee Task Notice*, June 20, 2019, available at [https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/Section%20336%20Secondary%20Barrier%20ARAC%20Tasking%20Notice%20\(6-20-19\)%20Corrected%206-21-19.pdf](https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/Section%20336%20Secondary%20Barrier%20ARAC%20Tasking%20Notice%20(6-20-19)%20Corrected%206-21-19.pdf).

¹⁵ See, e.g., https://www.fire.tc.faa.gov/ppt/systems/Oct15Meeting/Maloney-1015-Lithium_Battery_Vent_Gas.pptx.

¹⁶ Angela Stubblefield, *Portable Electronic Devices Carried by Passengers and Crew* (Oct. 27, 2017), available at <https://www.icao.int/safety/DangerousGoods/DGP26/DGP.26.WP.043.2.en.pdf>.

¹⁷ Pub. L. No. 115-254, § 333.

¹⁸ *Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported Aboard Aircraft*, 84 Fed. Reg. 8006 (March 6, 2019).

E. Unmanned Aircraft Systems

MANDATE	DEADLINE	STATUS
To FAA: Require recreational UAS operators to pass an aeronautical knowledge and safety test and receive FAA-authorization to fly in controlled U.S. airspace. In addition, permit the FAA to issue standards for remotely identifying recreational UAS operators and any other parameters or standards to maintain the safety and security of the NAS.	April 3, 2019 (aeronautical knowledge and safety test); remainder of provision self-enacting	DELAYED

Unmanned aircraft systems (UAS) are proliferating in the national airspace system (NAS). In fact, in its most recent aerospace forecast, the FAA estimates the hobbyist (recreational or model) UAS fleet will increase from 1.25 million units to as many as 1.66 million units by 2023. For the non-model (commercial) UAS fleet, the FAA projects as much as a 36 percent annual growth rate over the next five years, from 277,000 units in 2018 to nearly 1.3 million units by 2023.¹⁹ UAS offer a virtually unlimited number of potential applications, including inspecting critical infrastructure, surveying wide swaths of land to monitor wildlife and inventory forests, and delivering commercial products to homes and medical supplies to isolated areas.

However, the full integration of UAS into the NAS is at a relative standstill due to stalled FAA activity and continuing concerns over the safety and security of UAS operations, particularly regarding the risks UAS can pose to airspace users and people and property on the ground.²⁰ In addition, the identification of UAS operators is a key concern of FAA and law enforcement community. On December 20, 2018, FAA issued a request for information to inform an ongoing remote identification rulemaking. To date, FAA has not issued a proposed rule on remote identification standards for UAS operations.

The FAA bill includes numerous provisions intended to accelerate the safe and efficient integration of UAS into the NAS. Most notably, section 349 of the Act authorizes FAA to fully regulate hobby and recreational UAS, which had been prohibited previously under Federal law. The provision permits the FAA to apply any requirements or standards on any UAS operator (commercial or recreational) consistent with maintaining the safety and security of the NAS, which should have allowed the FAA to move forward on its remote identification standards rule described herein. The provision also requires FAA, by April 2019, to develop an aeronautical knowledge and

¹⁹ *FAA Aerospace Forecasts, Fiscal Years 2019 to 2039: Unmanned Aircraft Systems*, at 43, 48, available at https://www.faa.gov/data_research/aviation/aerospace_forecasts/media/Unmanned_Aircraft_Systems.pdf.

²⁰ The FAA receives more than 100 UAS sighting reports each month. While the Government Accountability Office (GAO) has concluded that the extent to which these reports represent actual incidents of unsafe UAS use is unclear, the volume of the reported sightings reflects the risk of collision between UAS and manned aircraft near airports, critical infrastructure, and over populated areas. See GAO, *Small Unmanned Aircraft Systems, FAA Should Improve Its Management of Safety Risks*, GAO-18-110 (May 2018).

safety test for UAS operators to pass before flying in U.S. airspace, and requires recreational users to receive FAA authorization before flying in controlled airspace, which captures commercial service airports.

Beyond this foundational framework, the bill requires FAA to update its outdated comprehensive plan for integrating UAS into the NAS and report to Congress on the agency’s strategy to align and leverage its work across programs and avoid duplication of its efforts;²¹ update existing regulations to authorize the delivery of goods and property by UAS for compensation or hire;²² update and improve processes to allow public operators to use UAS quickly in response to disasters or emergencies;²³ develop a strategy to provide outreach to State and local governments, including law enforcement and first responders, on how to use UAS to enhance their own work and respond to public safety threats posed by UAS.²⁴ The bill also prohibits the use of UAS armed with dangerous weapons²⁵ and creates a criminal penalty for operators that operate UAS and recklessly interfere with wildfire suppression or emergency response efforts,²⁶ or disrupt the operation of a manned aircraft.²⁷ Finally, the bill requires the FAA to develop a plan for the short- and long-term implementation of UAS traffic management services,²⁸ which will include systems necessary to manage UAS traffic in low-altitude airspace, allowing FAA to communicate real-time airspace status and constraints to operators, and provide services to prohibit UAS from operating in certain airspace or colliding with other aircraft.²⁹

F. Cabin Air Quality

MANDATE	DEADLINE	STATUS
To FAA: Establish educational materials for aircrews and mechanics about how to respond to incidents on board aircraft involving smoke or fumes.	October 5, 2019	PENDING
To FAA: Issue guidance for aircrews and mechanics about how to report smoke or fume incidents through the FAA’s Service Difficulty Reporting System.	April 3, 2019	DELAYED
To FAA: Commission a study by the Airliner Cabin Environment Research Center of Excellence to assess potential health effects	April 3, 2019	DELAYED

²¹ Pub. L. No. 115-254, § 342.

²² *Id.* § 348.

²³ *Id.* §§ 353, 368.

²⁴ *Id.* § 366.

²⁵ *Id.* § 363.

²⁶ *Id.* § 382.

²⁷ *Id.* § 384.

²⁸ *Id.* §§ 376, 377.

²⁹ NASA, *UAS Traffic Management*, <https://utm.arc.nasa.gov/index.shtml>.

MANDATE	DEADLINE	STATUS
of contaminants from bleed air and to identify mitigating technologies.		
To FAA: Report to Congress on the feasibility of technologies to monitor the purity of aircraft air supply in flight.	April 6, 2020	PENDING

The year 2018 began with yet another example of a worryingly frequent occurrence in civil aviation. On January 6, a U.S. jetliner flying from Boston to Punta Cana returned to Boston after passengers and crew reported noxious fumes in the cabin.³⁰ The fumes “caused passengers and crew to feel unwell,” according to a media report, although no one was taken to a hospital. Similar examples abound. In fact, an airline pilot union estimates that as many as 20,000 such events have occurred over the past decade.³¹ Another recent media report details accounts of several deaths of flight crew or passengers in which exposure to toxic fumes on board aircraft may have been a contributing factor.³²

Labor stakeholders and others have raised concern about these and other incidents in which passengers and crew have been sickened by cabin fumes, which in many cases originate in air that is “bled” off of engines. The bill contains provisions directing FAA to issue guidance to aircrews and mechanics on responding to incidents involving smoke or fumes in cabins, as well as to commission a study on the issue and mitigation options.³³

II. AIR TRAVEL ACCESSIBILITY AND CONSUMER PROTECTION

A. Accessibility in Air Travel

MANDATE	DEADLINE	STATUS
To U.S. Access Board in consultation with DOT: Requires a study on the feasibility of in-cabin wheelchair restraint systems.	October 5, 2020	PENDING
To DOT: Requires development, if appropriate, of specific recommendations regarding improvements to wheelchair assistance provided by air carriers.	No deadline	PENDING

³⁰ Simon Hradecky, *Incident: Jetblue A320 Near Boston on Jan 6th 2018, Fumes on Board*, THE AVIATION HERALD (Jan. 7, 2018), <http://avherald.com/h?article=4b3573e5&opt=0>.

³¹ Bloomberg, *‘Toxic Fume Events’ on Planes Worry Airline Workers*, FORTUNE (AUG. 9, 2017), <http://fortune.com/2017/08/09/dangerous-cabin-fumes-planes/>.

³² Kate Leahy, *‘There Are Hundreds of Sick Crew’: Is Toxic Air on Planes Making Frequent Flyers Ill?*, THE GUARDIAN (Aug. 17, 2017), <https://www.theguardian.com/science/2017/aug/19/sick-crew-toxic-air-planes-frequent-flyers-ill>.

³³ Pub. L. No. 115-254, § 326.

MANDATE	DEADLINE	STATUS
To DOT: Requires development of an “Airline Passengers with Disabilities Bill of Rights” describing the basic protections and responsibilities of air carriers, their employees and contractors, and people with disabilities.	No deadline	PENDING
To DOT: Requires rulemaking defining “service animal” and development of standards for passengers bringing service animals and emotional support animals in aircraft cabins.	April 6, 2020	PENDING
To DOT: Directs DOT to establish advisory committee for the air travel needs of passengers with disabilities.	No deadline	PENDING
To DOT: Requires review, and if necessary revision, of applicable regulations to ensure that passengers with disabilities who request assistance while traveling in air transportation received dignified, timely and effective assistance.	April 3, 2019	DELAYED

1. Advisory Committee

The bill contains numerous provisions intended to improve the air travel experience for passengers with disabilities. Among other things, the bill requires DOT to establish an advisory committee for the air travel needs of passengers with disabilities and directs the committee to assess current regulations with respect to practices for ticketing, advance seat assignments, and stowage of assistive devices for passengers with disabilities.³⁴ DOT is currently reviewing nominations for committee membership and expects to announce the committee’s membership in the coming weeks.

2. Service and Emotional Support Animals

The bill also directs DOT to promulgate standards governing the transportation of service animals and emotional support animals on airline flights.³⁵ A notice of proposed rulemaking is set to be released by November 2019 and was sent to the Office of Management and Budget (OMB) in August 2019. For the interim, DOT released a policy statement on service animals in August 2019.³⁶ In the policy statement, DOT stated airlines should be prepared to accept “the most commonly

³⁴ *Id.* §§ 438, 439.

³⁵ *Id.* § 437.

³⁶ *Guidance on Nondiscrimination on the Basis of Disability in Air Travel*, 84 Fed. Reg. 43480 (Aug. 21, 2019).

recognized service animals (i.e., dogs, cats, and miniature horses) . . . for transport” but may decline to accept “snakes, other reptiles, ferrets, rodents, and spiders.”³⁷The DOT will also permit airlines to seek “credible verbal assurance” from a passenger that the passenger is traveling with service or support animal—not simply a pet.³⁸

B. Consumer Protection

1. Cell Phones and E-Cigarettes

The bill contains two self-executing provisions—provisions that are automatically effective without the need for rulemaking by DOT or FAA—to improve airline passengers’ on-board experience. First, the bill prohibits passengers from making or receiving cell phone calls during flight.³⁹ Second, the bill prohibits the use of e-cigarettes in flight.⁴⁰

2. Involuntary Denied Boarding

MANDATE	DEADLINE	STATUS
To DOT: Issue a final rule to clarify that there is no maximum amount of compensation that an air carrier must pay to a passenger who has been involuntarily denied boarding as the result of an oversale.	December 4, 2018	DELAYED

An oversold flight is one on which more passengers hold confirmed reserved space than there are seats available. Before bumping a passenger from an oversold flight, an airline must first seek volunteers to forego their reserved space on the flight (often for compensation).⁴¹ But if an insufficient number of passengers volunteer to take another flight, the airline is permitted to begin bumping passengers in accordance with the airline’s boarding priority rules—which may include factors such as a passenger’s time of check-in, the fare paid by the passenger, and the passenger’s status as a frequent flyer.⁴² Subject to limited exceptions, under current requirements, bumped passengers are entitled to denied boarding compensation in amounts that vary based on the length of the delay, up to 400 percent of their one-way fare (but not more than \$1,350).⁴³

The FAA bill directs DOT to revise its regulations to clarify that, among other things, “there is not a maximum level of compensation an air carrier or foreign air carrier may pay to a passenger who is involuntarily denied boarding as the result of an oversold flight.”⁴⁴ The Department has not yet complied with that mandate.

³⁷ *Id.* at 43481.

³⁸ *Id.* at 43482.

³⁹ Pub. L. No. 115-254, § 403.

⁴⁰ *Id.* § 409.

⁴¹ 14 C.F.R. § 250.2b(a).

⁴² *Id.* § 250.3(b).

⁴³ *Id.* § 250.5.

⁴⁴ Pub. L. No. 115-254, § 425(e).

3. Refunds of Fees for Unused Services

MANDATE	DEADLINE	STATUS
To DOT: Issue regulations requiring each air carrier to promptly refund any ancillary fees that a passenger paid for services that the passenger did not receive.	October 5, 2019	PENDING

The bill directs DOT to issue regulations requiring airlines to refund ancillary fees paid for services that a passenger does not receive. The DOT is combining this requirement with a related requirement from the short-term extension bill enacted in 2016 that directs DOT to require refunds of checked baggage fees when checked bags arrived late.⁴⁵

III. AVIATION WORKFORCE

MANDATE	DEADLINE	STATUS
To FAA: Establish a Youth Access to American Jobs in Aviation Task Force.	January 3, 2019	DELAYED
To FAA: Appoint members to a Women in Aviation Advisory Board.	July 5, 2019	DELAYED
To FAA: Issue final rule to modernize training programs at aviation maintenance technician schools.	April 3, 2019	DELAYED
To DOT: Establish two grant programs to support aircraft pilot and aviation maintenance technical worker education and development.	Self-enacting, with grants to be issued in fiscal years 2019-2023 (subject to appropriations)	ON TIME

The FAA bill included several provisions aimed at increasing the aviation workforce pipeline, including directing the FAA to establish a Youth Access to American Jobs in Aviation Task Force to develop recommendations and strategies on how the FAA can facilitate and encourage high school students to enroll in STEM courses and courses of study related to aviation careers;⁴⁶ create and facilitate the Women in Aviation Advisory Board to promote organizations and programs that provide education, training, mentorship, outreach, and recruitment of women into the aviation industry;⁴⁷ issue a final rule to modernize the training programs at aviation maintenance technician schools;⁴⁸ and establish aviation workforce development grant programs (\$5 million per year for FY

⁴⁵ Pub. L. No. 114-190, § 2305.

⁴⁶ Pub. L. No. 115-254, § 602.

⁴⁷ *Id.* § 612.

⁴⁸ *Id.* § 624.

2019-23) to support the education of future pilots and the education and recruitment of aviation maintenance technical workers.⁴⁹

The appendix at the end of this memo contains status updates from FAA on additional provisions.

WITNESSES

Panel 1

Mr. Daniel K. Elwell
Deputy Administrator, FAA

The Hon. Joel Szabat
Acting Undersecretary for Policy, DOT

Panel 2

Ms. Sara Nelson
President
Association of Flight Attendants

Capt. Bob Fox
First Vice President
Air Line Pilots Association, International

Mr. Greg Walden
Aviation Counsel
Small UAV Coalition

Mr. Mark Baker
President
Aircraft Owners and Pilots Association

Mr. John Breyault
Vice President, Public Policy, Telecommunications, and Fraud
National Consumers League

Mr. David Zurfluh
National President
Paralyzed Veterans of America

⁴⁹ *Id.* § 625.

APPENDIX

ADDITIONAL WORK FROM FAA BILL IN PROGRESS

Unless otherwise noted, FAA and DOT have not specified estimated dates of fulfillment of the mandates listed below.

Section	Title	Description	Statutory Deadline	Status
Airplane Noise				
173	Alternative airplane noise metric evaluation deadline	FAA to complete evaluation of alternative metrics to the current day-night decibel level measurement	10/5/19	FAA has completed the evaluation as directed
175	Addressing community noise concerns	FAA to consider feasibility of dispersal headings or other lateral track variations to address noise concerns when proposing new area navigation departure procedures or amending existing procedures under certain conditions	None	FAA is finalizing the formal process to use related to this section
176	Community involvement in FAA NextGen projects located in metroplexes	Report on review of FAA's community involvement practices for NextGen projects in metroplexes	6/2/19	The review is complete. FAA is working on this report
179	Airport noise mitigation and safety study	Report on FAA's review and evaluate existing studies of the relationship between jet aircraft approach/takeoff speeds and corresponding noise impacts communities	10/5/19	The study has been initiated consistent with this section. The report on the study is due in 10/2020.
180	Regional Ombudsman	FAA regional administrators to designate regional ombudsmen	10/5/19	All ombudsmen have been designated and are going through training.
188	Study of Day-Night Average Sound Levels	FAA report on results of study to evaluate metrics to average day-night level standard	10/5/19	FAA has completed the evaluation. FAA is working on this report.
189	Study on potential health and economic	FAA report on study with higher ed. institute on	7/2/19	FAA has formally entered into the

Section	Title	Description	Statutory Deadline	Status
	impacts of overflight noise	health impacts of aircraft noise on residents		partnership with institutions of higher education (MIT & Boston University).
Aviation Safety				
303	Safety critical staffing	DOT-IG report to Congress on results of audit of FAA Safety Critical Staffing	12/29/19	FAA has updated the Aviation Safety Inspector Staffing Model. FAA will adopt future updates to the model as new data becomes available and recommendations are received by the future DOT IG audit required in Section 303(b).
308	FAA and NTSB review of general aviation safety	FAA & NTSB conduct study of general aviation safety and report to Congress	10/5/19	FAA initiated study and held first meeting with NTSB staff on 10/31/2018. Recommendations from the study and report to Congress are being developed.
317	Helicopter fuel system safety	Issue bulletin notifying operators of system modifications	4/3/19	Completed 12/3/18
318	Medical certification standards of air balloons operators	FAA to modify 14 C.F.R. § 61.3(c), to require medical certification of balloon pilots operating for compensation	4/3/19	FAA is pursuing required rulemaking. FAA is working with the Balloon Federation on a voluntary program to encourage balloon pilots to pursue second class medical certificates.
333	Safe air transport of lithium cells & batteries	Report to Congress on policies on lithium battery	6/2/19	Report drafted, DOT saying it

Section	Title	Description	Statutory Deadline	Status
		packaging requirements		“captures many completed and ongoing activities consistent with Congressional direction”. FAA hopes to give the report to Congress soon.
339A	In-Flight Sexual Misconduct Task Force	Establish National In-Flight Sexual Misconduct Task Force and submit report	10/5/19	Task Force established by DOT 02/2019, + subcommittee of the Department’s Aviation Consumer Protection Advisory Committee (ACPAC) follow requirements of Section 339A. Task Force has met in April, May, June and July 2019. Additional two-day meeting scheduled in 09/2019. Task Force expected to conclude its work by the end of 2019. DOT awaiting Task Force recommendations before determining action(s) needed.
339B	Reporting process for sexual misconduct onboard aircraft	In coordination w/ relevant agencies, AG to establish process based on 339A report	10/5/20	Awaiting establishment. DOJ function, not a DOT function.
Unmanned Aircraft				
342	Update of FAA comprehensive plan	FAA to update UAS plan required by the 2012 reauthorization	7/2/19	The FAA is working on this update. Per the

Section	Title	Description	Statutory Deadline	Status
				requirement in the section, the draft plan will be provided to the Drone Advisory Committee (DAC) and the FAA will task the DAC to provide feedback within 60 days.
348	Carriage of property by small UAS for compensation or hire	FAA to update regulations to authorize carriage of property by users of small UAS for compensation or hire	10/5/19	FAA is meeting the intent through the issuance of part 135 exemptions.
352	Part 107 transparency and technology improvements	FAA to revise online waiver and COA process	11/4/18 & 1/3/19	FAA posted a sample of waiver safety justifications online and allows waiver applicants to see status of their waiver request through FAA's DroneZone platform.
376	Plan for full operational capability of unmanned aircraft systems traffic management (UTM)	FAA to develop a plan for UTM implementation in coordination with NASA & stakeholders, report to Congress	4/11/20	The FAA, in partnership with 3 UAS test sites and other stakeholders, completed 3 successful test flights this summer under phase 1 of the UTM Pilot Program. FAA continues to study initial results as the agency moves into phase 2, informing future test scenarios and protocols in partnership with NASA. The FAA will define regulatory

Section	Title	Description	Statutory Deadline	Status
				framework in which providers can operate.
Aviation Consumer Protections				
418	Advisory committee on air ambulance and patient billing	DOT to create advisory committee to review options to improve pertinent medical services	12/4/18	Committee established 09/12/2019 with appointment of 13 members. First committee meeting expected "in the near future and will be open to the public".
424	Aviation consumer advocate	Directs DOT to appoint an aviation consumer advocate and to prepare an annual report to Congress summarizing annual complaints by carrier	9/30/19	Blane Workie, Assistant General Counsel for DOT Office of Aviation Enforcement and Proceedings, appointed Aviation Consumer Advocate 03/2019. Report will be drafted
425	TICKETS Act	Prohibits airlines from removing a passenger from a flight after the passenger's boarding pass has been scanned, unless safety or security reasons dictate otherwise.	12/4/18	DOT has initiated a rulemaking (2105-AE77) to codify the Tickets Act requirement
433	Improving wheelchair assistance	DOT to establish recommendations re wheelchair assistance, if appropriate, following report required in 2016 extension	No timeline specified	Awaiting report from 2016 extension. DOT anticipates it being reviewed by Air Carrier Access Act Advisory Committee once established
434	Passengers with Disabilities Bill of Rights	DOT to establish a "Bill of Rights" for passengers with disabilities	No timeline specified	DOT anticipates this topic being addressed by the Air Carrier Access Act Advisory

Section	Title	Description	Statutory Deadline	Status
				Committee once established
439	Advisory committee on the air travel needs of passengers with disabilities	DOT to establish committee on the air travel needs of passengers with disabilities, incl. recommendations, called the Air Carrier Access Act Advisory Committee (ACAA Advisory Committee)	Report to DOT due 14 months after establishment; DOT report to Congress due 60 days from receipt	DOT began reviewing committee applicants 5/28/19. It has finished its review and expects to announce the formation of the committee soon
440	Regulations Ensuring Assistance for Passengers with Disabilities in Air Transportation	Requires a review and change to regulations governing accommodations for person with disabilities, if necessary	4/3/19	DOT has reviewed the Department's Air Carrier Access Act regulations, and reviewed complaints received. DOT will determine whether regulations are necessary
441	Compliance Date of Mishandled Baggage Rules	The compliance date of the November 2, 2016, final rule on mishandled baggage reporting shall be effective not later than 60 days after enactment of act	12/4/18	On 10/28/2018, DOT issued notice providing guidance to affected U.S. carriers on compliance with mishandled baggage and wheelchair reporting requirements.
551	Employee Assault Prevention and Response Plans	Directs part 121 air carriers to submit to the FAA for review and acceptance an employee assault prevention and response plan	1/3/19	In July 2019, the FAA published an Information to Operators (InFO) advising part 121 air carriers of the process for submission of the plans.

Section	Title	Description	Statutory Deadline	Status
Aviation Workforce Development				
602	Establish a Task Force on Youth Access to American Jobs in Aviation	FAA to establish task force to study increased youth access to aviation jobs	1/3/19	The FAA is finalizing the necessary charter and associated Federal Register notice.
612	Establish a Women in Aviation Advisory Board	FAA to create and facilitate the board to increase access to women in aviation	7/5/19	The FAA is finalizing the necessary charter and associated Federal Register notice.
625	Aviation workforce development programs	DOT to establish programs to provide grants for eligible projects to support the education of future pilots and maintenance personnel	None	Implementation being reviewed, not expected before 2021, per FAA.