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## Federal Aviation Administration Reauthorization: Legislative Action in the 118<sup>th</sup> Congress

The most recent multiyear Federal Aviation Administration (FAA) reauthorization, the FAA Reauthorization Act of 2018 (P.L. 115-254), was enacted in October 2018. Its key civil aviation authorizations, including Airport and Airway Trust Fund (AATF) revenue collection authority, airport grant obligation authority, and certain other FAA expenditure authorities, were set to expire at the end of FY2023, prompting FAA reauthorization debate in the 118<sup>th</sup> Congress. In the last two reauthorization cycles, multiple short-term extensions were needed to prevent lapses in these authorities, and one brief lapse occurred in 2011. So far in this cycle, three short-term extensions have been enacted. Currently, the Airport and Airway Extension Act of 2024 (P.L. 118-41) extends FAA authorities and AATF revenue collections through May 10, 2024.

### Legislative Activity

The current FAA reauthorization process started during the first session of the 118<sup>th</sup> Congress. The Securing Growth and Robust Leadership in American Aviation Act (H.R. 3935) was introduced in the House and was ordered reported as amended by the House Committee on Transportation and Infrastructure in June 2023. A separate bill extending AATF revenue collections through FY2028 (H.R. 3796) was reported by the House Committee on Ways and Means, and an FAA research and development bill (H.R. 3559) was reported by the House Committee on Science, Space, and Technology. Those two bills were appended to H.R. 3935 prior to floor consideration. The combined bill was amended and passed by the House on July 20, 2023. On June 13, 2023, the FAA Reauthorization Act of 2023 (S. 1939) was introduced in the Senate. On February 29, 2024, the bill was reported by the Senate Committee on Commerce, Science, and Transportation (with an amendment in the nature of a substitute) and placed on the Senate legislative calendar under general orders. Unless indicated differently, in the following discussion, *House bill* or H.R. 3935 refers to the bill passed by the House, and *Senate bill* or S. 1939 refers to the bill reported by the Senate Committee on Commerce, Science, and Transportation. Both H.R. 3935 and S. 1939 would authorize FAA funding for five years through FY2028. Annual funding levels are slightly higher in S. 1939 (see **Table 1**).

### Airport Funding

Both bills would fund the Airport Improvement Program (AIP) at an annual level of \$4 billion and would make some changes to the program. Neither includes any change to the cap on Passenger Facility Charges (PFCs) that commercial airports may impose to fund various terminal and landside projects. PFCs have been capped at \$4.50 per passenger (with an \$18 limit per round trip) since 2000.

### FAA Operations and Organization

The House bill would modify the requirements for the FAA Administrator, clarifying that a candidate for the post may not be active duty or retired military and must have experience in organizational management and in a field directly related to aviation. The bill also would create two FAA Deputy Administrator positions: a politically appointed post to handle programs and management, and a separate position chosen by the Administrator and not politically appointed to oversee safety and operations. Currently, FAA has one politically appointed Deputy Administrator. S. 1939 does not propose specific changes to FAA senior management. Both bills propose reforms to FAA's regulatory functions and modernization efforts. The House bill would direct FAA to work with the National Academy of Public Administration to improve its rulemaking process. It also would create a position of FAA Ombudsman to coordinate responses to industry inquiries and objections pertaining to regulatory matters, aircraft and pilot certification, and approvals for flight operations. The House bill would establish an Office of Innovation within FAA to assist with complex regulatory issues, evaluate FAA internal processes, and support aerospace innovation. The Senate bill also seeks to create an Airspace Innovation Office within the FAA. The office would be responsible for developing an integrated plan for the future national airspace system. S. 1939 would also direct FAA to establish electronic data management processes for tracking certification and registration functions and would direct the Department of Transportation to form a team to review FAA regulatory processes.

### Air Traffic Controller Staffing

The House bill would direct FAA to increase hiring of air traffic controllers in response to growing concerns over a shortage of fully qualified controllers. Existing shortages at certain air traffic facilities have prompted FAA to increase overtime and work with airlines to voluntarily curtail flight schedules as stopgap measures to minimize delays and disruptions. S. 1939 calls for a study to assess realignment of air traffic control facilities to improve efficiency and enhance flexibilities, especially in areas prone to congestion and staffing shortages, and would direct FAA to update staffing standards and increase training capacity, including through establishment of a second FAA Academy and expanded use of air traffic control tower simulators.

### Industry Workforce Development

Both bills would reauthorize and expand two aviation workforce development grant programs that were established under the FAA Reauthorization Act of 2018 to train future pilots and aircraft maintainers. Both bills also seek to create a third grant program focusing on education

and recruitment of aviation manufacturing workers. The House bill would authorize annual funding amounts of \$15 million for each of the three programs through FY2028. The Senate bill specifies annual authorizations of \$20 million for each program through FY2028.

### Airline Pilot Qualifications

H.R. 3935, as reported by the Committee on Transportation and Infrastructure, included a provision that would have allowed up to 150 hours of training in advanced flight simulators to count toward the 1,500 hours of flight time required for an Airline Transport Pilot (ATP) certificate. A successful floor amendment struck this provision. S. 1939 would authorize an enhanced qualification program to be offered by FAA-approved airlines and training centers that would provide structured training to qualify eligible pilots as first officers with less than 1,500 flight hours. Regional airlines have pushed for greater flexibilities in setting pilot qualifications, but airline pilot organizations have expressed concerns that such modifications could potentially erode safety.

### Retirement Age for Airline Pilots

The House bill would raise the maximum age for U.S. airline pilots from the current limit of 65 to 67. The change would pertain only to domestic routes, since International Civil Aviation Organization (ICAO) standards generally restrict pilots flying international routes to under the age of 65. An amendment to raise the retirement age for airline pilots to 67 was rejected by the Senate Committee on Commerce, Science, and Transportation.

### Drones and Advanced Air Mobility

Both H.R. 3935 and S. 1939 would require FAA to advance rulemaking on beyond visual line-of-sight drone operations, a key step toward routine drone deliveries. They also would direct FAA to permit transport of certain hazardous materials by drone. Both bills would direct FAA to prioritize rulemaking allowing for operations of powered-lift aircraft, such as electric vertical takeoff and landing vehicles. Doing so is seen as a needed step toward accommodating Advanced Air Mobility (AAM) operations that encompass urban air taxi flights and other uses of these novel aircraft designs.

### COVID-19 Pandemic Response

The House bill would impose prohibitions on vaccination mandates and federally imposed masking requirements for FAA employees and contractors, airline employees, and passengers. S. 1939 would prohibit airlines from denying service based on COVID-19 vaccination status.

### Washington, DC, Flights

The House bill would leave in place existing slots and perimeter rules at Reagan National Airport (DCA). Federal law and regulation set the total number of flights at DCA to a maximum of 67 hourly slots. In addition, a statutory perimeter rule limits nonstop flights to a 1,250-mile radius unless granted an exemption in law. Currently, there are 40 daily slots exempted from the perimeter rule. Stand-alone bills (H.R. 3185 and S. 1933) seek to add 56 new slots at DCA. A more limited proposal to add 14 new slots was offered as an amendment to the House bill but was not agreed to. The Senate bill would add 10 new daily slots at DCA.

**Table I. Federal Aviation Administration Major Account Funding Authorization (in millions of dollars)**

	FY2024	FY2025	FY2026	FY2027	FY2028
<b>Operations</b>					
H.R. 3935	12,730	13,035	13,334	13,640	13,954
S. 1939	12,740	13,033	13,500	13,900	14,400
<b>Airport Improvement Program</b>					
H.R. 3935	4,000	4,000	4,000	4,000	4,000
S. 1939	4,000	4,000	4,000	4,000	4,000
<b>Facilities and Equipment</b>					
H.R. 3935	3,375	3,425	3,475	3,475	3,475
S. 1939	3,575	3,625	3,675	3,675	3,675
<b>Research, Engineering, and Development</b>					
H.R. 3935	255	261	267	273	279
S. 1939	344	360	367	374	390
<b>TOTALS</b>					
H.R. 3935	20,360	20,721	21,076	21,388	21,708
S. 1939	20,659	21,018	21,542	21,949	22,465

**Source:** CRS analysis of H.R. 3935 (as passed) and S. 1939 (as reported to the Senate on February 29, 2024).

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