



Legislative Update

As a member of TWU's Aviation Division, your work is directly impacted by federal regulations and legislation set by policymakers in DC. This includes legislation that Congress has been working on that would renew aviation policy. This document is intended to provide you information about that aviation legislation and its provisions that impact your work.

About FAA Reauthorization

Every several years, Congress works to pass legislation that renews, or "reauthorizes," the Federal Aviation Administration (FAA). Reauthorization laws are important measures that create programs and policies addressing a range of issues impacting our national aviation system, such as worker standards, protections, and certification requirements; FAA oversight; consumer protections; technological advancements to the systems, among others. Such bills also set the suggested funding levels for the aviation system.

Congress last passed a bill to reauthorize FAA in 2012 (FAA Modernization and Reform Act of 2012). That law expired in October 2015. Since then, Congress hasn't been able to pass a new reauthorization bill, and instead has enacted a series of extension bills that extended the 2012 law. The current extension expires March 31, 2018. Congress must act before then by passing either a reauthorization bill or another extension. The current Congress is attempting to reauthorize FAA. Below is a look at these proposals.

Bill Basics

The House bill, **HR 2997, the 21st Century Aviation Innovation, Reform, and Reauthorization (AIRR) Act**, was introduced by Rep. Bill Shuster (R-PA-9) who is Chairman of the House Transportation and Infrastructure Committee. The Senate bill, **S 1405, the Federal Aviation Administration Reauthorization Act of 2017**, was introduced by Sens. John Thune (R-SD) and Bill Nelson (D-FL), who serve as Chairman and Ranking Member of the Senate Commerce Committee.

The House bill includes a controversial proposal to privatize the air traffic control (ATC) system by turning over ATC responsibilities from the FAA to the new not-for-profit entity created by the bill; the Senate bill does not. This proposal has created major division, even among labor, and is the reason this bill has become highly partisan. The Senate bill contains two divisive provisions: one that weakens airline pilot training requirements; the other prohibits states from enacting laws that provide truck drivers meal and rest breaks. Both provisions are strongly opposed by labor, and neither is in the House bill.

Aside from those highly controversial provisions, many of the bills' remaining sections address issues in ways that garner bi-partisan support. TWU members are impacted by a host of provisions ranging from studies and reporting requirements, to mandated changes to current regulations.

At the time of writing, TWU has not taken an official position on either the House or Senate bill, but is actively engaging in the process including communicating with appropriate congressional staff.

Bill Action

In June 2017, the House Transportation Committee voted to pass HR 2997 out of the Committee, with every Republican but one voting for the bill and all Democrats (and one Republican) opposing. This partisan vote occurred in large part due to its privatization of ATC and despite other provisions that many find beneficial. Also in June, the Senate Commerce Committee voice voted S 2997 out of that Committee (meaning, the Committee passed the bill without significant objection). However, since being passed by their respective committees, the bills have not been voted on by the full House or Senate largely due to their divisive provisions.

Since coming onboard in the Fall, TWU International policy staff has been meeting with Senate and House staff to raise awareness of the bills' sections that impact TWU members. At the time of writing, the path forward for HR 2997 and S 1450 is unclear, and another extension is possible. TWU will remain vigilant and continue communicating with staff to help protect TWU interests, and may call on our aviation members to amplify this message.

Section by Section of HR 2997 and S 1450

Below is a look at the bills' provisions that impact TWU members and other noteworthy sections. The House bill summary immediately follows. Click [here](#) to jump to the Senate summary.

House Bill: HR 2997, 21st Century Aviation Innovation, Reform, and Reauthorization (AIRR) Act

Privatizing the ATC System (Secs 201-244)

Creates the American Air Navigation Services Corporation, a new not-for-profit corporate entity to provide for the operation of ATC services, and provides for the transfer of FAA responsibilities and personnel to the new Corporation.

Safety Oversight and Certification Advisory Committee (Sec 302)

Directs DOT to create a Safety Oversight and Certification Advisory Committee to advise on issues relating to FAA safety oversight and certification programs. In accomplishing this goal, the Advisory Committee must provide guidance on FAA certification and oversight efforts; make legislative and regulatory recommendations; create recommendations for prioritizing safety rulemaking initiatives, etc. Committee members must include representatives from aviation maintenance (repair stations), labor organizations (FAA safety inspectors), and others.

Flight Standards Performance Objectives and Metrics (Sec 331)

Directs DOT to establish goals related to flight standards activities and track progress toward meeting those objectives to ensure that progress is made toward, at a minimum: increasing accountability for FAA and the industry; fully implementing risk management principles;

eliminating inconsistencies in regulatory interpretations and enforcement activities; improving training on oversight including auditing, among others. In fulfilling the requirements of this section, FAA must apply and track the performance metrics established by the Safety Oversight and Certification Advisory Committee created by Sec 302 (above).

FAA Task Force on Flight Standards Reform (Sec 332)

Requires FAA to create a Task Force on Flight Standards Reform to identify best practices and provide recommendations related to simplifying and streamlining flight standards regulatory processes; reorganizing Flight Standard Services to one organized by function rather than geographic region; FAA aviation safety inspector training, standards, and performance; and achieving consistent regulatory interpretations and application of oversight activities. The Task Force must include representatives of repair stations, labor unions (including FAA inspectors), among others. The Task Force must report to Congress on its findings, including best practices identified and recommendations on regulatory or legislative actions.

Safety Critical Staffing (Sec 402)

Requires FAA to update the safety critical staffing model to determine the number of aviation safety inspectors needed to fulfill the safety oversight mission of FAA before and after the ATC system is privatized. The Inspector General must review this model.

Cabin Evacuation (Sec 407)

Requires FAA to review air carrier procedures that crewmembers use to evacuate during emergencies. The review must be conducted in consultation with certain stakeholder groups, including those representing crewmembers and maintenance employees.

Emergency Medical Equipment on Passenger Aircraft (Sec 411)

Directs FAA to review current regulations regarding emergency medical equipment, including first-aid kits, and update the regulations as needed.

Acceptance of Voluntarily Provided Safety Information (Sec 413)

Restates the processes of the existing Aviation Safety Action Program (ASAP) that workers' voluntary disclosure of information is assumed accepted under the program; information provided but not yet reviewed by an event review committee must be identified as not having been reviewed; and disclosures not accepted by an event review committee must be rejected from ASAP.

Flight Attendant Duty Period Limitations and Rest Requirements (Sec 414)

Directs DOT to modify current regulations so that flight attendants scheduled to a duty period of 14-hours or less are given a scheduled rest period of at least 10 consecutive hours. The rest period must not be reduced. Air carriers must also develop FAA-approved Fatigue Risk Management Plans that: meet the flight time and duty period limitations, and have a rest scheme that enables management of fatigue including training on how to mitigate fatigue.

Aviation Maintenance Industry Technical Workforce (Sec 416)

Directs the Government Accountability Office (GAO) to conduct a study on maintenance workers. The study must analyze the system used by the Department of Labor to classify these workers, whether changes to that system would affect government data on these workers' unemployment

rates and wages, and whether such changes might affect projections about future workforce shortages. The study must also analyze the impact of FAA regulations governing AMT workers' certification, testing, and education programs and whether they impact the employment levels in the industry; develop recommendations on changes to FAA regulations to meet industry needs for AMT workers; and develop better coordination between the government, educational institutions, and business to support workforce growth.

Cell Phone Calls Ban (Sec 502)

Directs DOT to issue regulations prohibiting inflight cell phone calls. On-duty flight crews and flight attendants are exempt from this ban.

Improved Notification of Insecticide Use (Sec 504)

Requires air carriers to disclose online that the destination country may require the air carrier to use insecticides in the aircraft cabin.

Advertisements and Disclosure of Fees for Passenger Air Transportation (Sec 505)

Allows air carriers and ticket agents to advertise the base airfare if the total cost of the air transportation and government-imposed fees and taxes are clearly and separately disclosed. However, it is an unfair or deceptive practice when air carriers and ticket agents fail to include, in a fare quote selected by a consumer, a clear and prominent statement that additional fees for checked and carry-on baggage may apply, and a prominent link that directly lists those fees.

Involuntarily Bumping Passengers After Aircraft Boarded (Sec 506)

Makes it an unfair or deceptive practice for an air carrier to involuntarily deplane a revenue passenger onboard an aircraft if that person is traveling on a confirmed reservation and checked-in for the flight prior to the check-in deadline.

Widespread Disruptions (Sec 509)

In the event of a widespread disruption, requires an air carrier to immediately publish online a clear statement indicating whether the air carrier will provide impacted passengers accommodations, meal vouchers, sleeping facilities, or arrange for other air transportation.

Involuntarily Denied Boarding Compensation (Sec 510)

Directs DOT to clarify that there are no limits on the amount of compensation air carriers may pay a passenger who is involuntarily denied boarding as a result of an oversold flight. Requires air carriers to proactively compensate such passengers instead of waiting for them to request compensation.

Consumer Information on Actual Flight Times (Sec 511)

Directs DOT to study whether it's feasible to require air carriers to disclose to consumers, upon reasonable request, the projected period between the actual wheels-off and wheels-on times for a reportable flight, and to require that air carriers display online information about the actual wheels-off and wheels-on times during the most recent calendar month for the reportable flight.

Passenger Rights (Sec 514)

Directs DOT to require air carriers to submit for approval a one-page document describing the rights of passengers, including guidelines for compensation for flight delays, cancellations, mishandled baggage, voluntarily relinquished ticketed seat due to overbooking, and involuntarily denial of boarding and forced removal for whatever reason.

Foreign Air Transport Under US-EU Air Transport Agreement (Sec 631)

Prohibits DOT from issuing permits authorizing a foreign air carrier to operate under the US-EU Air Transport Agreement if concerns are raised about whether the permit would undermine labor rights. DOT may issue such a permit if it determines it won't undermine labor standards or rights, or if conditions are included in the permit to ensure labor rights and standards are protected.

Training on Human Trafficking for Certain Staff (Sec 632)

Requires air carriers to provide workers who regularly interact with passengers training to recognize and respond to potential human trafficking victims.

Employee Assault Prevention and Response Plan (Sec 639)

Requires air carriers to submit for FAA approval an Employee Assault Prevention and Response Plan relating to customer service agents developed in consultation with labor unions representing these workers. The Plan must include protocols: for reporting assaults; immediately notifying law enforcement of an assault or interference with security screening personnel; ensuring passengers involved in an assault don't board an aircraft; and informing passengers of laws protecting employees with security clearances. Air carriers must train workers on these protocols.

[Return](#) to House bill summary

Senate Bill: S 1405, the Federal Aviation Administration Reauthorization Act of 2017

Safety Oversight and Certification Advisory Committee (Sec 2212)

Directs DOT to create a Safety Oversight and Certification Advisory Committee to advise on issues relating to FAA safety oversight and certification programs. In accomplishing this goal, the Advisory Committee must consult with aviation labor and repair stations, and others; recommend cost-effective and efficient safety oversight and certification processes; make legislative and regulatory recommendations; among other tasks. Committee members must include aviation labor (FAA safety inspectors), repair stations, and others.

Flight Standards Performance Objectives and Metrics (Sec 2231)

After the Safety Oversight and Certification Advisory Committee (created by Sec 2212, above) is established, FAA must establish performance objectives and track performance metrics relating to flight standard activities. In meeting this goal, FAA shall ensure progress is being made toward, at minimum: implementing risk management principles and a systems safety approach; reducing duplication of effort; improving safety; providing greater training opportunities, etc. To do so, FAA shall consult with the Advisory Committee (Sec 2212), apply and track performance metrics for FAA and industry, and report to Congress.

FAA Task Force on Flight Standards Reform (Sec. 2232)

Requires FAA to create a Task Force on Flight Standards Reform to identify cost-effective best practices and provide recommendations related to simplifying and streamlining regulatory processes including issuing certificates; reorganizing Flight Standard Services to one organized by function rather than geographic region; FAA aviation safety inspector training, standards, and performance; and achieving consistent regulatory interpretations and application of oversight activities. The Task Force must include representatives of repair stations, labor unions (FAA inspectors), among others. The Task Force must report to Congress on its findings, including best practices identified and recommendations on regulatory or legislative actions.

Portability of Repairman Certificates (Sec 2242)

Directs FAA's Aviation Rulemaking Advisory Committee to make recommendations about what regulatory and policy changes would be needed in order to allow repairman certificate holders to move between repair stations (make repairman certificates portable from one facility to another). FAA must take action on those recommendations as appropriate within one year.

Revision of Certain Regulations Relating to Repair Station Certificates (Sec 2242 ctd)

Directs FAA to amend regulations governing repair stations in order to allow repair stations to surrender their operating certificates (Part 145 certificates) without FAA approval (currently repair stations can only give up their certificates if the FAA okays this). FAA must also amend regulations in order to prevent individuals from re-entering the industry if they've materially contributed to the revocation of a repair station's operating certificate, and to clarify that a repair station that terminates someone who materially contributed the revocation of an operating certificate may reapply for an operating certificate.

Flight Attendant Duty Period Limitations and Rest Requirements (Sec 2303)

Directs FAA to revise regulations to ensure flight attendants scheduled to a duty period of 14 hours or less are given a scheduled rest period of at least 10 consecutive hours. The rest period may be scheduled or reduced to 9 consecutive hours if the flight attendant is provided a subsequent rest period of at least 11 consecutive hours. Air carriers must also develop FAA-approved Fatigue Risk Management Plans that: meet the flight time and duty period limitations, and have a rest scheme that enables management of fatigue including training on how to mitigate fatigue.

Aircraft Cabin Evacuation Procedures (Sec 2313)

Directs FAA to review crewmember emergency evacuation procedures. The review shall be conducted in consultation with various groups, including those representing crewmembers and maintenance employees.

Aircraft Air Quality (Sec 2315)

Directs FAA to consult with stakeholders to create and make publicly available on FAA's website, educational material for flight attendants, aircraft maintenance technicians, and others on how to respond to incidents on board aircraft involving smoke or fumes. FAA must also issue guidance for workers and air carriers regarding how to report such incidents. FAA must also commission a study to identify and assess the potential health effects of bleed air in aircraft cabins and ways to mitigate those effects.

Safety Critical Staffing (Sec 2502)

DOT Inspector General must audit the FAA staffing model to determine the number of aviation safety inspectors that are needed to fulfill the mission of the FAA and adequately ensure aviation safety.

Causes of Air Carrier Delays or Cancellation (Sec 3101)

Directs DOT to review the categories of flight delays and cancellations and consider, at a minimum, whether those attributed to weather were unavoidable or disproportionately impacted service to smaller airports. DOT must also review whether it's an unfair or deceptive practice for an air carrier to inform passengers that a flight's been delayed or cancelled due to weather, without any context or explanation, when the air carrier has discretion to delay or cancel the flight. DOT must report to Congress on the findings of the review.

Involuntary Changes to Itineraries (Sec 3102)

Requires DOT to review whether it's an unfair or deceptive practice for an air carrier to change a passenger's itinerary, more than 24 hours before departure, if the new itinerary involves additional stops or departs three hours earlier or later without compensation to the passenger.

Refunds for Other Fees that are Not Honored by a Covered Air Carrier (Sec 3107)

Directs DOT to issue regulations within one year to require air carriers to promptly provide an automatic refund of any ancillary fees paid for services that the passenger does not receive on a subsequent replacement itinerary if there's been rescheduling, or for a flight not taken by the passenger.

Disclosure of Fees to Consumers (Sec 3108)

Requires DOT to issue regulations requiring air carriers and ticket agents to disclose in a standardized format the baggage fee, cancellation fee, change fee, ticketing fee, and seat selection fee of the air carrier. Disclosures must be prominently displayed to a consumer prior to the point of purchase in clear and plain language and in an easily readable font size.

Seat Assignments (Sec 3109)

Directs DOT to require air carriers and ticket agents to disclose to consumers that paying a fee to select a seat is optional, and that, if a consumer does not pay for a preferred seat, a seat will be assigned to the consumer from available inventory.

Consumer Complaint Process Improvement (Sec 3111)

Requires air carriers and ticket agents to notify consumers at the point of sale that they can file a complaint about that service with the air carrier and DOT's Aviation Consumer Protection Division. Information on submitting complaints must be provided on their air carrier and agents' websites or mobile applications.

Study on In Cabin Wheelchair Restrain Systems (Sec 3113)

Directs FAA to study ways in which individuals with significant disabilities who use wheelchairs can be safely accommodated through in-cabin wheelchair restrain systems.

Cell Phone Calls Ban (Sec 3117)

Directs DOT to issue regulations prohibiting inflight cell phone calls. On-duty flight crews and flight attendants are exempt from this ban.

Tickets Act (Sec 3118)

Once a revenue passenger is approved by a gate attendant to board an aircraft, the air carrier may not deny that passenger permission to board without the passenger's consent unless the individual poses a safety, security, or health risk or engages in obscene, disruptive, or otherwise unlawful behavior. DOT must eliminate the dollar amount limitations on compensation to passengers who are denied boarding involuntarily.

Emergency Medical Equipment on Passenger Aircraft (Sec 3120)

Directs FAA to review current regulations regarding emergency medical equipment, including first-aid kits, and update the regulations as needed.

Interference with Airline Employees (Sec 5006)

Directs the Government Accountability Office (GAO) to study violence committed against customer service representatives. The study must assess if state and local laws and resources adequately deter or address these crimes, and provide recommendations on how to address any shortcomings. GAO must report its findings to Congress.

GAO Study of Illegal Drugs Seized at International Airports in US (Sec 5011)

Directs the Government Accountability Office (GAO) to conduct a study of illegal drugs (including heroin, fentanyl, and cocaine) seized by federal authorities at US international airports.