



July 11, 2023

The Honorable Sam Graves, Chairman
The Honorable Rick Larsen, Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

The Honorable Garret Graves, Chairman
The Honorable Steve Cohen, Ranking Member
Subcommittee on Aviation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Graves, Ranking Member Larsen, Chairman Graves, and Ranking Member Cohen:

On behalf of the International Air Transport Association (IATA)¹, I am writing to express our views on several provisions in the Securing Growth and Robust Leadership in American Aviation Act (H.R. 3935) that was passed out of the House Committee on Transportation and Infrastructure on June 14, 2023.

Secs. 301/302/303 – IATA appreciates the extension of and increased funding for the Sec. 625 Aviation Workforce Development Programs originally authorized in the FAA Reauthorization Act of 2018. We also fully support the establishment of the National Center for the Advancement of Aerospace to support and promote aviation workforce development and aviation education.

Sec. 505 – We believe the new inspection and data requirements of this section are unnecessary given the safety record of the industry and will divert FAA resources at a time when the agency is stretched very thin. This provision ignores the fact that foreign repair stations – entities outside the United States that are authorized to perform work on U.S.-registered aircraft – are subject to the same safety and security standards as domestic part 145 certificate holders regardless of country or location. In addition, the FAA already has the authority to reject or rescind a repair station certificate if the company is unable to meet the same or equivalent safety and security standards as domestic facilities.

Sec. 522 – IATA opposes any mandate to retrofit aircraft with secondary barriers. We believe they are unnecessary given the numerous aviation security improvements implemented over the past 20 years. Secondary barriers respond to the security situation that existed immediately after 9/11. We now have federal passenger screening by the Transportation Security Administration (TSA), armed Federal Air Marshals, armed federal Flight Deck Officers, a new FAA common strategy on dealing with terrorism, No-Fly and selectee lists to continuously screen passengers against, and government access to

¹ IATA is the trade association of the world's airlines, representing some 300 passenger and cargo airlines in over 120 countries and carrying 83 percent of the world's air traffic.

reservations systems. Today, more is known about passengers and secondary screening can be performed for passengers of concern at the TSA checkpoint. The retrofit installation of secondary barriers should be at the sole discretion of the airline, taking into consideration the security measures they have already implemented over and above TSA regulations.

Sec. 532 – IATA strongly supports the call for a National Academies' study on conflicts between uses of radio spectrum by aviators and wireless telecommunications networks. The U.S. Government's failure to protect commercial aviation from the safety risks associated with the 5G C-Band rollout cannot be repeated as telecommunications companies develop more advanced wireless networks in the future.

Sec. 546 – IATA does not believe that hours of flight time alone are indicative of the competency of a pilot to operate a commercial aircraft safely. Instead, IATA supports the expansion of the Competency-Based Training and Assessment (CBTA) approach in replacement of the traditional task based and hours-based, prescriptive approach. By placing emphasis on human performance, CBTA programs enhance safety by equipping the pilot with the competence to best manage the expected and unexpected risks in everyday operations. However, if the final version of the bill instead retains the current 1500-hour requirement, we support allowing for up to 150 of those hours to be obtained in a full flight simulator.

Sec. 701 – IATA fully supports providing airlines with the flexibility to display the base airfare in an advertisement clearly and separately from government-imposed taxes and fees associated with the air transportation and the total cost of the air transportation. The Department of Transportation's current Full Fare Advertising Rule requires advertisements for airfare to include the full price of the fare, including government-imposed taxes and fees. IATA opposes this rule because it allows the government to bury ticket tax hikes in advertised prices. It also reduces transparency and treats airfare advertising differently than advertising for virtually all other consumer products, rendering air travel less price competitive when compared with other modes of travel.

Sec. 710 – We are concerned that this provision would undermine the efficient industry processes that are already in place to ensure that passengers receive refunds that are due whether they buy a ticket directly from an airline or through a travel agency.² Under that policy, if a refund request is made when the agent is in possession of the funds, they are responsible for reimbursing the passenger directly. If the funds collected are already processed through the airline settlement systems (IATA Billing and Settlement Plan (BSP) or, in the U.S., Airlines Reporting Corporation (ARC)), the agent is responsible for filing for reimbursement from the airline (via BSP/ARC), who will determine in a timely manner if the refund request is legitimate. Airlines are generally unable to return the funds directly to the passenger because the agent often does not share the passenger's contact or payment information with the airline (as they consider it proprietary information). Further, the airline may not have full visibility over the price actually paid for the ticket sold by the agency. As such, under industry standards, it is ultimately the responsibility of the travel agent to secure the reimbursement from the airline and return it to the passenger.³

Sec. 712 – IATA opposes the requirements that air carriers publish relevant dimensions and other characteristics of the cargo hold of all aircraft types. We do not believe that this information would be

² In 2021, indirect sales accounted for approximately 53 percent of all airline ticket sales (PhocusWright US Airline Market Report 2021-25).

³ IATA Resolution 824r at 1.4 states that "refunds authorized and paid by a BSP Airline to an Agent shall be held in trust by the Agent for or on behalf of the related passenger or purchaser of the Traffic Document and shall be the responsibility of the Agent to credit the passenger or the purchaser of the Traffic Document."

useful to passengers who do not have the experience to determine what can and cannot fit in a cargo hold. Instead, we recommend that passengers wishing to transport large, motorized mobility devices be encouraged to provide the dimensions of the device to the airline in advance to allow trained cargo handlers to confirm transport on a particular aircraft. Further, IATA recommends that the provision requiring a refund if a wheelchair cannot be stored be amended to give the airline the opportunity to reaccommodate the passenger on another flight.

Sec. 715 – IATA supports website, application, and kiosk accessibility for passengers with disabilities as we did when the website/kiosk regulation was promulgated in 2013. However, we urge that any final language make clear that any additional regulation in this area should cover only public facing websites, applications, and kiosks.

Sec. 718 – IATA opposes as unnecessary and redundant a requirement that carriers develop and update an operational resiliency strategy to minimize flight disruptions on passengers. All carriers already have multi-layered redundancy plans in place to avoid flight disruptions. The fact that flight disruptions occasionally occur does not suggest that resiliency plans are not adequate. Second guessing of these plans by the Department of Transportation would be both unnecessary and likely counterproductive.

Sec. 810 – We are concerned that the current language does not define what constitutes the “undermining of labor standards,” a nebulous term that could be used by parties to prevent the U.S. from entering into Open Skies agreements in the future. Further, the provision does not specify what would happen if an existing agreement were renegotiated or if an expiring annex must be renewed. Lastly, we believe the addition of “undermining of labor standards” as a new consideration is unnecessary as DOT is already required to consider the following:

- “strengthening the competitive position of air carriers to ensure at least equality with foreign air carriers, including the attainment of the opportunity for air carriers to maintain and increase their profitability in foreign air transportation” (49 U.S.C. § 40101(e)(1)) when negotiating international agreements; and
- “encouraging fair wages and working conditions” (49 U.S.C. § 40101(a)(5)), “avoiding unreasonable industry concentration, excessive market domination, monopoly powers” (49 U.S.C. § 40101(a)(10)), and “strengthening the competitive position of air carriers to at least ensure equality with foreign air carriers” (49 U.S.C. § 40101(a)(15)) when making a public interest determination.

Nehls Amendment 037 Revised 3 – IATA strongly supports increasing the maximum commercial pilot age in the U.S. from 65 to 67 years old. There has been no credible evidence that this modest increase, the first since 2007, will negatively impact aviation safety. Instead, this provision will help address the pilot shortage by allowing experienced pilots the option to maintain their license for an additional 24 months, subject to the already stringent medical evaluations and simulator assessments used in the U.S. and leading countries around the world.

Thank you for the opportunity to express our views on H.R. 3935. We greatly appreciate your leadership in crafting a bipartisan bill to reauthorize the funding and programs for the Federal Aviation Administration and stand ready to assist in any way we can to ensure that a final bill is passed before the current authorization expires on September 30 of this year.

Sincerely,

A handwritten signature in black ink that reads "Douglas E. Lavin". The signature is written in a cursive, flowing style.

Douglas E. Lavin
Vice President, Member and External Relations – North America
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