

NACA

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Congress Adjourns for August Recess

The House adjourned until September 3, and the Senate is scheduled to adjourn this week for the summer recess. Congress will return for two weeks in September to continue working on FY 2025 appropriations bills, then adjourn again until the week after the November elections. We do not expect any relevant legislative activity other than the annual spending bills for the remainder of the year. To avoid a government shutdown when the current fiscal year ends on September 30, Congress likely will need to pass a continuing resolution. The House Transportation and Infrastructure and Senate Commerce Committees may hold hearings in the post-election session on Boeing safety oversight and implementation of the recently passed FAA bill. We will be closely watching FAA's progress in implementing provisions of particular interest, including the issuance of standards for Enhanced Qualification Programs (EQPs) for pilot training and controller staffing.

Buttigieg Under Consideration for Vice Presidential Nomination

Presumptive Democratic nominee for President of the United States Vice President Kamala Harris is reportedly considering Transportation Secretary Pete Buttigieg to be her running mate. Other candidates for Vice President include Pennsylvania Governor Josh Shapiro, North Carolina Governor Roy Cooper, and Senator Mark Kelly (D-Ariz.). If Harris wins the November election, we do not expect a significant shift in aviation policy even if Buttigieg leaves to become Vice President or to assume a different cabinet post in the Harris administration. If Republican Nominee former President Donald Trump wins, we could see a major shift in aviation policy, including repeal of Biden administration consumer regulations and more favorable consideration of proposed mergers and alliances.

NACA Joins Lawsuit Challenging Ancillary Fee Rule

In June, NACA and IATA joined a pending lawsuit filed by A4A in the U.S. Court of Appeals for the Fifth Circuit in Louisiana against DOT's final rule regarding the disclosure of airline ancillary fees. On July 29, the Court granted our Motion for a Stay, agreeing that the rule exceeds DOT's proper statutory authority and we will likely prevail on the merits. The case will now proceed to an expedited hearing before a merits panel. Airlines will not have to comply with the rule while the merits hearing is pending.

PAC Update

So far this year, NACA has sponsored fundraisers for House Transportation and Infrastructure Chairman Sam Graves (R-Mo.) and Ranking Member Rick Larsen (D-Wash.). We are seeking opportunities during the upcoming congressional elections to donate to campaigns that advance our policy priorities in 2025 and beyond, including Senator Ted Cruz (R-Texas), who is facing a difficult reelection campaign, but is expected to win and likely will be named chair of the Senate Commerce Committee if Republicans win control of the Senate.

Foreign Carrier Overflights of Russia

NACA recently had a conversation with the Department of Transportation where they acknowledged industry frustrations over foreign carriers utilizing Russian overflight and the use of polar routings to their competitive advantage against U.S. carriers. Despite numerous internal meetings with various agencies, DOT and State have determined they are unable to address the issue without new legislative authority. For the moment, concerns about retribution from foreign countries against U.S. carriers seem to have stymied congressional action.

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CDC Dog Regulations

New Centers for Disease Control (CDC) regulations regarding the movement of dogs from foreign locations to the United States are slated to take effect August 1. The CDC Dog Import Form is the only requirement for dogs that have only been in rabies-free or low-risk countries for the six months before U.S. entry. Dogs entering the country from high-risk rabies countries face additional requirements. For U.S.-vaccinated dogs, these include a certification of U.S.-issued rabies vaccination form or a U.S. Department of Agriculture (USDA)-endorsed export health certificate. Foreign-vaccinated dogs require other documentation. One of the major problems for airlines is the new requirement of having an airway bill normally used in cargo operations in the passenger transportation world. NACA and other associations have requested an extension for the implementation of these new regulations. In response to these requests, CDC has granted a provisional waiver that carriers may apply for, which in most cases is granted quickly. We are expecting a possible industry/CDC working group in the coming weeks to address the problems associated with the airway bill approach CDC currently has in place.

Foreign Pilot Training Regulations

TSA issued a final rule for the Flight Training Security Program on May 1. This governs the vetting flight schools need to perform and how they handle foreign pilots coming to train at their facilities. This change also applies to U.S. carriers who may bring in foreign pilots to operate their aircraft and to security awareness training for employees who may be in contact with foreign pilots at their airline. Our carriers are reviewing how this may impact their current security practices along with what changes they may need to make.

NACA Security Council

NACA's Summer Security Council meeting on July 17 featured terrific participation from the Federal Air Marshals, FAA's Intel Office, and TSA (Policy, Compliance, and Operations). The Cyber Security Council will next meet on October 16, followed by a joint NACA/RAA Security Council meeting on October 17.

NACA Operations Council

NACA's Operations Council met on July 23, featuring a robust round table discussion among the members regarding operational situations arising at each airline. FAA briefed our members on the Infoshare conference upcoming in November, the CAST portal and its future, status of CAST safety enhancements, the transition to the new Aviation Safety Team, and a thorough briefing from the new FAA Rulemaking Deputy Director covering the regulation timeline and the exemption process. Other topics included a SMS full reporting (VDRP) pilot program update, training required by FAR 121.417 (interpretations regarding Type C v. Type 1 doors), a discussion on OpSpecs A034 template AQP, lost VOR diversion in the Caribbean (STT, SJU, and STX), and RNAV/GPS varying OpSpecs.

NACA Safety Council

NACA's Safety Council met on July 24, featuring great attendance from FAA and members and thoroughly engaging discussions. The FAA presented similar briefings as the Operations Council above, along with briefings on the processes used in the Data Collection Tool and Safety Assurance System programs, and on how that information was to be used. The most engaging FAA session involved the number and purpose of Requests for Information coming from FAA Inspectors. The discussion revolved around the workload the FAA is imposing on airlines without apparent benefit and to the detriment of productive internal safety work.

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NACA Maintenance Council meeting

NACA's Maintenance Council met on July 25, featuring similar levels of FAA participation and overall engagement as the Operations and Safety Councils. A common issue identified during the roundtable discussion was the lack of qualified mechanics and training problems. Failure to follow procedure also is a common problem with local CMO's having varying views. This topic will be offered at Infoshare. FAA representatives went into great detail on the new RII procedure update and the applicability of FAA naming conventions. In addition, the council was updated on Aircraft Network Safety Program (ANSP) program/requirements and OpSpecs process D301.

Infoshare Planning

The next Infoshare is planned for November 13-15 (Wednesday through Friday) in Kanas City. Dress warmly! NACA's George Paul is the industry co-chair for the cargo session on Friday, though the FAA currently does not have a government co-chair. Invitations and details have yet to be finalized; we will keep you updated on progress.

Organ Transport Working Group

The FAA has reached out to NACA for assistance in identifying and inviting one of our carriers to join the Organ Transport Working Group to provide expertise and insight on best practices and to help educate stakeholders about this life-saving transportation need. Details have been sent to the Safety Council — please contact George Paul for more information or to volunteer.

Monday ULCC Weekly Call

NACA has set up a weekly call with ULCC operations and dispatcher staff to discuss traffic during the prior and upcoming weeks, weather, and any other pertinent information needed to maintain positive control. This call gives our member ULCC's the chance to collaborate with NACA in a more private forum, is scheduled on Mondays at 12pm EST, and is open to anyone members think could gain operational takeaways. Attendance from all ULCC's is highly encouraged, as these calls have helped resolve multiple operational issues. Call times range from 10-20 minutes, depending on operational necessity.

Newark Airport Shifting to Philadelphia TRACON

To address growing delays and staffing shortages in the New York Center (N90), the airspace around Newark is being transferred to the Philadelphia TRACON (PHL). With PHL being well staffed, as opposed to N90's current staffing rate of 61% and training success rate of 33%, this move should help. The FAA warns this may cause initial delays as controllers settle into newly assigned sectors but will be beneficial to airlines and passengers as time moves on. The National Air Traffic Controllers Association (NATCA) stated that the switch drops PHL to only 24 certified professional controllers, meaning PHL will require 12 more controllers in the next 2 years. Further delays in the N90 airspace could result if controllers move from that area.

Florida ATC Updates

Ongoing efforts by ATC facilities and the FAA Command Center to alleviate ATC constraints in Southern Florida, specifically in Jacksonville and Miami, have been met with positive feedback from aviation stakeholders and operators. As we move into the hurricane and heavy rain season in the Southeast, it is important that air carriers and other stakeholders are vigilant in voicing their concerns to the NACA ATM or FAA Command Center to avoid some of the long-standing issues airlines have faced in the past.