



2014 Issues Briefing

INTRODUCTION

This Briefing has been prepared by the AOPA Political Action Committee to help pilots better understand the most important issues facing general aviation this year. We hope that this information will be helpful to you in your letters, emails and phone calls to your elected officials in Washington, D.C.

To help us win these battles, please strongly consider making a special contribution to AOPA PAC today by visiting www.aopa.org/members/pac (AOPA members only; login required). There is no more powerful contribution you can give to enlist Congress' help in defeating anti-GA proposals and strengthening GA's future.

Issue #1:

Defeat Unnecessary Increases in General Aviation User Fees

Key Facts:

Despite the enormous growth in the FAA budget over the years, all of President Obama's second-term budget proposals have included a \$100-per-flight general aviation "user fee." Not all GA flights would be immediately affected. However, unlike the taxes that pilots pay when they purchase fuel – which can only be raised by Congress – user fees could be expanded to cover more pilots and more flights without Congressional approval. Identifying costly, redundant, and outdated programs should be a top priority before any actions are taken that would have a devastating impact on general aviation.

AOPA Action Item:

AOPA remains firmly opposed to arbitrarily increasing any taxes or the creation of any new user fees until the FAA makes every effort to reduce costs like the rest of us have to do with our own budgets. Based on AOPA's advocacy and that of the GA community, Congress has consistently rejected \$100 aviation user fees. However, this is a fundamental GA issue that needs to be addressed every year in every session of Congress, and AOPA tries to educate every new Member of Congress on this issue. Last year for example, with the support of AOPA and other aviation groups, more than 200 members of Congress signed letters to the White House opposing these fees. In addition, the omnibus spending bill passed by Congress and signed by the President in January prohibits new user fees until the end of the current fiscal year, guaranteeing GA a short-term reprieve from these fees. However, with budget and deficit issues guaranteed to remain a key issue in Washington for years to come, increases in fees and taxes will remain a threat to GA's future. AOPA will continue its efforts in the House and Senate to build opposition to unwarranted increases in fees and taxes, and AOPA PAC will provide financial support to those who help lead this fight in Congress.

Issue #2: Win FAA Reauthorization Budget Battles

Key Facts:

In 2012, after five years and 23 short-term extensions, Congress enacted a “reauthorization” law to provide funding for the FAA through September 30, 2015. This law, known as the FAA Modernization and Reform Act, included goals and milestones for the FAA to achieve prior to September 2015. Recently, however, a Congressional hearing revealed that FAA is already far behind schedule in achieving most of the goals outlined in the reauthorization act.

AOPA Action Item:

With FAA falling short of its goals, and with increasing pressure to slash budgets in all areas of government, the stage is being set for a new round of brutal FAA budget fights during the next 12 to 18 months. All GA programs will be on the table, and new GA taxes and revenue proposals are *guaranteed* to be considered. The key to protecting GA’s future is to make sure every elected official understands the importance of general aviation to our economy and communities – and to make sure AOPA PAC is ready to defeat those who try to impose unfair and destructive fees on general aviation pilots.

Issue #3: Third Class Medical Reform

Key Facts:

In March 2012, along with the Experimental Aircraft Association (EAA), AOPA petitioned the FAA, urging it to expand the already successful Sport Pilot Medical Rule—currently in use by some pilots for nearly a decade – and allow more pilots to fly without the cumbersome and outdated third-class medical process. Yet, despite over 16,000 overwhelmingly favorable comments, the FAA had no response.

Under the leadership of Representatives Todd Rokita and Sam Graves, a bill was introduced in Congress last December which, if enacted, would *force* the FAA to exempt thousands of GA pilots from the third-class medical certification process. Within days of this bill’s introduction, FAA Administrator Michael Huerta contacted AOPA to “apologize” for the FAA’s two-year delay in responding to our petition, and promised further consideration of our request. In March, companion legislation to the House bill was introduced in the Senate. Shortly after that, the FAA announced that it will go through a rulemaking process that could result in expanding the number of pilots eligible to fly without the need for a third class medical certificate.

AOPA Action Item:

While AOPA appreciates the FAA’s recent response, we believe that pilots have waited long enough – too long in fact – for action on this issue. We are therefore continuing to vigorously pursue all avenues to enact medical certification reform. Thanks to the engagement of our members, the House bill has over 100 cosponsors, but our efforts must continue to ensure the FAA moves expeditiously. By making this one of our highest priorities – and by providing AOPA PAC support to members of Congress who take the lead on this issue – we are extremely optimistic that thousands more pilots will soon be able to fly without the needless hassle of a third class medical.

Issue #4:

Block FAA's Expensive and Intrusive Sleep Apnea Proposal

Key Facts:

On December 12, 2013, the FAA made an announcement that it would soon introduce a new policy that would have grounded thousands of pilots at their next medical – forcing AME's to *automatically* defer medical certification of all pilots with a body mass index (BMI) of 40 or greater. To resume flying, these pilots would be required to submit to intrusive testing, at a cost of thousands of dollars, to prove they do not have sleep apnea. In addition, the FAA declared that it intended to eventually expand this requirement to all pilots with a BMI of 30 or greater – a move that could impact *more than 100,000 pilots* and cost the GA community hundreds of millions of dollars each year. To add insult to injury, the FAA made it clear that it would make this change *without* allowing an opportunity for pilots to comment and without considering other alternatives.

AOPA and other industry groups went to work, and legislation was immediately introduced in Congress to require the FAA to go through rulemaking channels before making any policy on sleep disorders. One week later, the FAA announced it was suspending the implementation of this new requirement and would meet with industry to discuss other options.

AOPA Action Item:

AOPA wants every pilot to fly safely. However, there has not been a single fatal GA accident attributed to sleep apnea. AOPA strongly opposes any additional medical requirements that would ground pilots needlessly, or require pilots to spend extraordinary sums for medical testing that has no proven safety benefit. However, while we won the first round of this battle and the FAA has circulated a much revised policy to industry for comment, the policy still needs additional clarification to ensure it does not inhibit a pilot's ability to continue flying. The FAA has not finalized its changes to the sleep apnea policy, leaving the issue unresolved. We are working with members of Congress to ensure that the aviation community continues to have the opportunity to comment and that the FAA takes these comments into consideration when finalizing the policy.

Issue #5:

Halt Warrantless Searches of General Aviation Pilots

Key Facts:

Last year, AOPA began receiving an increasing number of reports from general aviation pilots – including our members – who had been stopped and searched on domestic flights by local law enforcement acting on a request from Customs and Border Protection (CBP), with no probable cause or suspicion of illegal activity. Pilots reported that many of these searches involved drawn weapons and the use of dogs, but in no case did they find evidence of criminal activity.

AOPA Action Item:

AOPA began seeking information and answers about these stops from CBP's Air & Marine Division in January 2013. The association is particularly concerned that the stops are being made without proper authority. In some cases CBP Air & Marine Division has said that it is stopping aircraft based on the FAA regulations that require pilots to produce certain documents when asked by a law enforcement officer. But AOPA contends that, while those regulations require pilots to comply after they have been stopped, they do not give CBP or any other law

enforcement agency the authority to make a stop in the first place unless there is probable cause or reasonable suspicion of illegal activity. FAA, which does have the authority to conduct ramp checks, has said that it has not sought help from CBP or any other agency to carry out such checks.

In a recent face-to-face meeting with the new CBP Commissioner, AOPA President Mark Baker told the head of Customs and Border Protection that egregious encounters with general aviation aircraft must end. CBP leaders acknowledged that agency hand-offs to local law enforcement authorities have not always gone as planned, and CBP is now reviewing those procedures as a result of AOPA's input. Also during the meeting, CBP Commissioner R. Gil Kerlikowske said he is currently undertaking a bottom-up review of CBP's enforcement activity regarding GA aircraft as promised during his recent Senate confirmation process. Kerlikowske added that he is taking action to address incidents that involve aggressive law enforcement tactics being used on law-abiding citizens. But our work is not done yet.

AOPA strongly believes that pilots should never be required to forfeit their Constitutional rights when they climb into the cockpit. We will continue to work with members of the U.S. Congress to put a halt to these aggressive law enforcement tactics, and AOPA PAC will support candidates who assist us in this effort.

Issue #6: Preserve Santa Monica Airport

Key Facts:

While most pilots will never fly into Santa Monica Airport (SMO), the effort by some Santa Monica city council members to shut down the airport has made SMO ground zero for a battle that could impact the future of *more than 200 airports nationwide*. Certain city officials in Santa Monica claim that they should have the right to close SMO for so-called "safety" reasons and because of noise complaints from local residents who have built houses close to the airport (and long after SMO was established).

However, SMO is protected by "surplus property transfer agreement" – a legal agreement between the city and the federal government which requires the property to be maintained as an airport. Should the city be allowed to void this agreement, the doors would be opened for local officials to shut down an additional 200 airports nationwide – for development, or for any other reason whatsoever. The result would be a disaster not only for pilots, but for millions of Americans who depend on these airports as vital transportation links and for critical emergency services.

AOPA Action Item:

Not only is Santa Monica a historic airport – once the home of the Douglas Aircraft company – but it is a key GA reliever airport for the Southern California region, with more than 165,000 operations each year. In addition, surveys show more than 70% of local residents want SMO to remain open.

AOPA has been involved in this fight for decades – in the city, in the courts, in Washington, and in the state legislature. We've been active in fighting lawsuits to shut down the airport, the most recent of which was dismissed in February of this year. And we will continue to enlist the support of pro-GA political officials to keep SMO open – along with hundreds of additional airports nationwide that are protected by surplus property transfer agreements.

Issue #7:**Paving the Way for Safety Improvements on Older Aircraft While Reducing Cost of Certifying New Aircraft****Key Facts:**

Certification of new aircraft and new equipment intended for existing aircraft remains a major hurdle in keeping general aviation safe and affordable for millions of Americans. The extraordinary cost of certification has been a major barrier in bringing new aircraft to market. In addition, the time and expense of certifying upgrades for existing aircraft has been a huge roadblock in our efforts to improve safety.

In response to this problem, Congress passed the “Small Airplane Revitalization Act” last November – requiring the FAA to streamline the certification process for GA aircraft. AOPA was a strong supporter of this legislation and worked closely with GA-friendly members of the U.S. House and Senate in crafting and enacting the bill, designed to spur innovation in new aircraft design and make it easier for owners to upgrade America’s existing GA fleet with modern safety equipment.

AOPA Action Item:

The Small Airplane Revitalization Act gives the FAA until December 31, 2015, to adopt changes to Federal Aviation Regulation Part 23, which governs the certification of many GA aircraft. However, as discussed in Issue #2 above, the FAA has been notoriously slow in meeting deadlines enacted by Congress. We cannot allow this process to fall behind, and we’ll be asking our allies in the U.S. House and Senate to monitor the FAA’s progress and ensure that certification reform moves forward without delay. We can strengthen this effort by reaching our full 2014 AOPA PAC fundraising goal – and making it clear that members of Congress who help lead the fight for GA certification reform will have our strong financial support for their upcoming campaigns.

Issue #8:**Ensure Timely Testing and Certification of Replacement Fuels****Key Facts:**

General aviation’s reliance on avgas leaves us vulnerable not just to supply concerns but to environmental complaints. Just in the last few weeks, three environmental groups re-petitioned the EPA to take action regarding our use of avgas. The GA industry is committed to finding a safe, reliable, fleet wide replacement and at least three companies have publically discussed their efforts in developing a suitable high octane unleaded fuel.

AOPA Action Item:

Before they can be used in our aircraft, any candidate fuel will require thorough FAA approved testing to ensure these fuels can work safely in our aircraft. AOPA has worked with the FAA, and the general aviation and petroleum industries to develop and implement a program to conduct this testing. The goal is to identify viable unleaded fuels by 2018. It is vital that we continue to work with Congress to ensure the FAA receives the critical funding needed to conduct this testing and to ensure fleet wide certification of a high octane unleaded fuel. We will therefore be calling on members of Congress to monitor FAA’s efforts to ensure fuel testing is conducted as efficiently as possible. AOPA PAC will support those who take the lead in this effort.

Issue #9:**Integrate Unmanned Aircraft Systems without Hardship to GA Pilots****Key Facts:**

Unmanned Aircraft Systems (UAS) are currently being tested for a variety of military, government, and commercial applications throughout the United States. However, many problems affecting safety and airspace use remain to be addressed. These systems may have a wingspan larger than a commercial airliner, or smaller than a typical radio-controlled aircraft model, and may be found at ground level to more than 50,000 feet.

AOPA Action Item:

AOPA's position on UAS boils down to two simple principles. First, these vehicles cannot be allowed to pose a safety threat to GA aircraft. Second, that the testing and use of UAS is not allowed to pose a hardship to GA pilots. UAS has the potential to become a multi-billion dollar industry in the years ahead, with potentially thousands of vehicles in the air at any time.

AOPA is committed to ensure that UAS operators are held to the same collision-avoidance standards as current private and commercial aircraft operators. In addition, we are committed to ensure that these systems are held to the same standards as manned aircraft for airworthiness, as well as operator training requirements. And, we will oppose the overuse of Restricted Areas, NOTAMs and TFRs to accommodate UAS to the detriment of GA access to American airspace. With the backing of AOPA PAC, AOPA will be working closely with federal agencies and members of Congress to ensure the integration of UAS does not restrict our freedom to fly – whether in the months just ahead, or in the decades to come.

Issue #10:**Block the 121.5 ELT Ban****Key Facts:**

The Federal Communications Commission (FCC) has proposed a mandate to phase out existing 121.5 MHz ELTs and instead require the use of a single technology, 406 MHz ELTs. Recently, this proposal was endorsed by the White House's National Telecommunications and Information Administration (NTIA), with NTIA calling for an immediate ban on new certification of 121.5 MHz units, and an eventual ban on the *manufacture, sale and use* of 121.5 MHz units. To comply with this mandate, aircraft owners would be forced to spend hundreds of millions of dollars to retrofit our existing fleet. In addition, instead of allowing pilots to choose equipment that is best suited for their type of flying, the 121.5 ELT ban would effectively “freeze” search-and-rescue technology with a one-size-fits-all mandate.

AOPA Action Item:

AOPA is committed to ensure that pilots retain the freedom to choose among ELT technologies – including 121.5 MHz, 406 MHz, and supplement their choices with personal locator beacons, or commercial services. We believe that the huge investment required by a 121.5 ban would be far better spent on truly safety enhancing equipment such as angle of attack indicators, GPS, and technology that provides weather in the cockpit – options that can prevent accidents *before* they happen, and improve safety on *all* flights. In addition, we have pointed out that when the FAA's ADS-B Out mandate eventually goes into effect, search-and-rescue services will have much better information regarding an aircraft's last known position, making these expensive 406 MHz ELTs all but redundant just a few years from now.

FAA has made it clear that it opposes this FCC mandate. AOPA will continue to demand that the FCC abandon its proposed rule changes, and defer to the FAA on matters of aviation safety. And we will enlist the support of Congress to block any ban on 121.5 ELTs, by working with FCC and – if necessary – through passage of legislation to prohibit FCC's mandate from taking effect.

Conclusion

This report was prepared by AOPA PAC to bring pilots up to date on critical GA issues, and to illustrate the huge range of battles we currently face. On every one of these issues, Congress has an important role to play in protecting GA pilots, our airports, and our freedom to fly. To enlist the support we need from elected members of the U.S. House and Senate, we must ensure full funding for AOPA PAC in 2014. No other arm of AOPA can provide funds to our Congressional allies for their reelection campaigns.

If you are an AOPA member in good standing and would like to make a contribution to AOPA PAC, please visit us online at the address below, and **thank you** for your generous support!

www.aopa.org/members/pac