



2024 FAA Reauthorization – Key Developments in Emerging Aviation

June 12, 2024

Reading Time : **10+ min**

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After months of negotiations and numerous last-minute extensions, the President signed into law the Securing Growth and Robust Leadership in American Aviation Act, which funds the Federal Aviation Administration (FAA) through Fiscal Year (FY) 2028 with over \$105 billion in appropriations.

While much of the press coverage around the bill centered on new flights out of Ronald Reagan Washington National Airport and automatic refunds for cancelled flights, in this article we focus on the major provisions and programs that we believe to be critical to our evolving and modernizing National Airspace, new and developing aircraft and associated enabling systems. The major titles of interest, described in greater depth below, are:

- Title II: FAA Oversight and Organizational Reform
- Title III: Aviation Safety Improvements
- Title IV: Aerospace Workforce
- Title VI: Modernizing the National Airspace System
- Title VII: Modernizing Airport Infrastructure
- Title VIII: General Aviation
- Title IX: New Entrants and Aerospace Innovation
- Title X: Research and Development
- Title XI: Miscellaneous

“The FAA Reauthorization Act of 2024 is one of the farthest reaching, most consequential pieces of legislation this House will consider in the 118th Congress. For over a century, the United States has led the world in aviation safety and innovation, and this bill is critical to ensuring America remains the global leader in aviation. It’s vital to our economy, to millions of American jobs, and to the millions of passengers that depend on our National Airspace System every single day. This comprehensive bill improves our aviation system’s safety, infrastructure, and workforce. It will enhance the FAA’s efficiency and the overall passenger experience, while encouraging domestic innovation in aviation.”

- House Transportation & Infrastructure Chairman Sam Graves.

Title II – FAA Oversight and Organizational Reform

This title addresses changes to FAA organization and key programs. Of particular interest to the uncrewed aerial systems (UAS) and advanced air mobility (AAM) communities is the future of the Next Generation Air Transportation System (NextGen) program. In prior years, NextGen was focused on how to make digital or computerize the function of air traffic control, and how to improve radar for use by the aviation industry. This project is interesting for UAS traffic management—which will all be computerized—and will determine who gets access to the airspace and by what method that access is provided. **Section 206** of the Act requires the FAA Administrator to operationalize all of NextGen’s key programs, including air traffic modernization, by December 31, 2025. The NextGen office will terminate on December 31, 2025, with its AAM operations moving to the Office of Aviation Safety within 90 days of the Act’s enactment. Organizations that supported the goals of the NextGen office should be interested to learn that the FAA will establish an Airspace Modernization Office on January 1, 2026, pursuant to **Section 207**. The office will drive research on the modernization of the national airspace system.

In terms of streamlining FAA applications, **Section 208** tasks the Deputy Administrator of the FAA with determining whether a publicly facing dashboard that provides applicants with status information on their applications would be beneficial and an effective use of resources. **Section 213** is important as all of the innovation and updates required to support NextGen aircraft—such as a fully automated air traffic control system from the ground up—requires funding. This section provides for briefings to Congress on any unfunded capital investment needs of the air traffic control system.

The Act also includes a provision establishing a Cybersecurity Lead within the FAA through **Section 217**. UAS and AAM operators will be particularly interested in the scope of this position as these operators currently rely on using commercial systems in a shared spectrum environment due to the lack of dedicated spectrum for NextGen activities. This shared spectrum approach creates more opportunities for malicious actors to exploit cyber vulnerabilities, which makes the creation of a FAA Cybersecurity Lead exceedingly more important. In fact, the current administration is increasing focus on this space; recently, the President’s Council of Advisors on Science and Technology released a report on cybersecurity and critical infrastructure that cited the importance of ensuring security of air traffic control.

Of note, **Sections 224 and 225** of the Act provide for the FAA to remain involved in consensus organizations that develop aviation industry standards. **Section 229** obligates the FAA to establish an Advanced Aviation Technology and Innovation Steering Committee that will “assist the FAA in planning for and integrating advanced aviation technologies.” This Steering Committee is likely to be impactful in strategizing FAA-related programs for the UAS and AAM industries.

Title III – Aviation Safety Improvements

Addressed here are programs and mandates related to aviation safety. Of particular interest is **Section 318**, which authorizes an audit on aviation safety as it relates to wireless connectivity—specifically regarding proposed spectrum reallocations or auction decisions. The audit seeks to ensure that FAA internal processes adequately review proposed spectrum reallocations or auction decisions in regard to aviation safety and safety of the national airspace system. The Act, in **Section 319**, additionally provides for an analysis of safety data in relation to aircraft without transponders that are exempt from air traffic control transponder and altitude reporting equipment and use requirements. The analysis will cover incidents occurring within 30 nautical miles of an airport. This provision could be relevant to UAS operators that do not currently have the ability to use Automatic Dependent Surveillance-Broadcast (ADS-B) transponders. The Act further addresses helicopter safety in **Section 333**, tasking its Investigative Technologies Aviation Rulemaking Advisory Committee with reviewing the need for safety requirement changes for turbine-powered rotorcraft certificated for six or more passenger seats.

Other unique provisions within this title include: **Section 348**, which tasks the FAA with improving the Aviation Safety Information Analysis and Sharing Program with integrating

safety data collected from UAS systems; **Section 361**, which aims to develop a standard to equip high altitude balloons with a system for continuous aircraft tracking; **Section 394**, which amends the language regarding securing aircraft avionics systems to add regular screening of systems and equipment to determine whether they may have been compromised by unauthorized access; and **Section 395**, which requires the FAA to create an aviation rulemaking committee on civil aircraft cybersecurity with the goal of developing cybersecurity standards for civil aircraft and related activities.

Title IV – Aerospace Workforce

Title IV covers policies and programs related to building and supporting the aerospace workforce. **Section 403** requires the FAA to establish the Bessie Coleman Women in Aviation Advisory Committee, which aims to support the recruitment and retention of women in the aviation industry, and **Section 423** supports increased opportunities related to youth interest and access to aviation careers. **Section 422** authorizes a study to identify the extent of the commercial aviation pilot shortage for regional and commuter carriers. Additionally, **Section 424** states that Congress believes the FAA should use the Unmanned Aircraft System Collegiate Training Initiative to support staffing challenges related to the “safe integration of unmanned aircraft systems and other new airspace entrants into the national airspace system.” This title generally seeks to ensure development of an aviation workforce, including for UAS pilots and commercial aviation pilots.

Title VI – Modernizing the National Airspace System

This section discusses opportunities to modernize the national airspace system, with suggestions that include the implementation of innovative programs. Congress provides for the development of a program for remote tower system in **Section 612**, which will rely on wireless telecommunications infrastructure to enable air traffic operation. Another example, **Section 613**, requires the FAA Administrator to evaluate the adoption of satellite voice communication services to the Aeronautical Mobile Communications program that allows for delivering air traffic control messages in oceanic and remote continental airspace. **Section 619** provides for the implementation of NextGen programs in an expedited fashion, with priority given to programs addressing performance-based navigation, data communications, terminal flight data manager and aeronautical information management. Of interest to clients in the electric vertical take-off and landing (eVTOL) industry is **Section 627**, which requires the FAA Administrator to begin a rulemaking process to “establish or update, as appropriate, low

altitude routes and flight procedures to ensure safe rotorcraft and powered-lift aircraft operations in the national airspace system.” Helicopter operators and operators of other aircraft flying in the airspace of national parks in the United States are also required by **Section 628** to consult with the relevant National Parks Overflights Advisory Group when planning operations.

Additionally, this title addresses airspace safety, providing for a study to assess the needs for upgrading aging air traffic systems in **Section 629**. In **Section 630**, the Act authorizes funding for the FAA to develop, acquire and deploy technologies to aid in space launch and re-entry, acknowledging that space launch and re-entry operations are vital to the United States’ position as a global leader.

Title VII – Modernizing Airport Infrastructure

This title focuses on improving and modernizing airport infrastructure. One provision of interest is **Section 766**, which provides the option for the FAA to conduct a study regarding the feasibility and economic viability of autonomous or electric-powered track systems at airports.

Title VIII – General Aviation

Discussed in this title are a variety of issues related to general aviation. **Section 808** is particularly important to UAS operators as it authorizes a study on ADS-B out equipment. The study would examine how many aircraft are registered and operating in U.S. airspace that are not equipped with ADS-B out equipment and the requirements for expanding the dual-link architecture that is used below an altitude of flight level 180. This section also mandates establishing an interagency coordination program to support vehicle-to-vehicle link initiatives that allow the real-time digital exchange of important information between nearby aircraft without relying on ground infrastructure or air-to-ground communications links. Similarly, **Section 810** provides for the FAA Administrator to prepare a report on the development of low-cost, voluntary ADS-B adoption to facilitate traffic awareness.

Congress also includes provisions to streamline aircraft authorization. **Section 818** addresses the certificate backlog for Part 135 air carriers, and **Section 819** requires a working group to standardize the process for authorizing Part 135 aircraft into service. One other provision of note is **Section 829**, which creates a provision that prohibits the FAA Administrator from initiating an investigation of a person based exclusively on ADS-B data.

Title IX – New Entrants and Aerospace Innovation

Title IX is entirely centered on UAS and AAM. Of note, it includes new direction on alternative means of compliance with the FAA's UAS Remote ID rule, improvements to the Part 107 waiver program, extension of the UAS Test Range Program and a new restriction on certain foreign-made drones. More detail on each provision of particular interest is below.

Subtitle A – Uncrewed Aircraft Systems

- **Section 905: Radar Data Pilot Program** – Establishes a pilot program to allow certain qualified users to access airspace data feeds containing controlled, unclassified information for the purpose of providing and enabling air traffic and uncrewed air traffic management services, or to test technologies that may enable or enhance these services.
- **Section 906: Electronic Conspicuity Study** – Directs the U.S. Comptroller General to study technologies to allow uncrewed aircraft operators to detect and avoid crewed aircraft operating below 500 feet above ground level (AGL) and not equipped with a transponder or ADS-B Out, or otherwise not electronically conspicuous.
- **Section 907: Remote Identification Alternative Means of Compliance** – Directs the FAA Administrator to review the FAA's Remote ID rule and determine whether uncrewed aircraft manufacturers and operators can meet the intent of the rule through alternative means of compliance, including through network-based remote identification.
- **Section 908: Part 107 Waiver Improvements** – Directs the FAA Administrator to adopt a performance- and risk-based approach to reviewing requests for Part 107 waivers, leveraging data gathered from previous waiver requests and using big data analytics and machine learning. The Administrator is also directed to consider whether waiver applicants have control over access to real property within the area of operation and to recognize and account for the safety enhancements of any such controlled access. The Administrator may streamline approval for waiver requests that are substantially similar to previously granted waivers.
- **Section 910: Unmanned Aircraft System Use in Wildfire Response** – Directs the FAA to coordinate with other federal agencies and contractors to develop a plan for UAS use by public entities in wildfire response. The plan must include a process for the facilitation of beyond visual line of (BVLOS) operations in designated areas.

- **Section 911: Pilot Program for UAS Inspections of FAA Infrastructure** – Directs Department of Transportation (DOT) to initiate a pilot program to supplement DOT inspection activities, including the inspection of ground-based aviation infrastructure, with UAS systems.
- **Section 913: Drone Workforce Training** – Directs DOT to establish a drone education and training grant program to support workforce training related to operation of small UAS.
- **Sections 915 and 916: Unmanned Autonomous Flight Advisory Committee** – Terminates the Advanced Aviation Advisory Committee, replacing it with a new Unmanned and Autonomous Flight Advisory Committee to advise the FAA on policy and technical issues related to uncrewed and autonomous flight operations.
- **Section 917: NextGen Advisory Committee Membership Expansion** – Directs DOT to expand its NextGen Advisory Committee to include a representative from the UAS industry and a representative from the powered-lift industry.
- **Section 920: Extension of BEYOND Program** – Directs the FAA to extend the BEYOND Program, and any existing agreements thereunder, until the Administrator determines that it is “no longer necessary or useful,” and directs the Administrator to consider expanding the scope of the program to address increasing automation in civil aircraft, BVLOS operations of such aircraft and the societal and economic impact of such operations.
- **Section 921: UAS Integration Strategy** – Directs the FAA to implement the recommendations of the Government Accountability Office contained in its report, **Drones: FAA Should Improve Its Approach to Integrating Drones into the National Airspace System**, and by the DOT Inspector General in its report, **FAA Made Progress Through Its UAS Integration Pilot Program, but FAA and Industry Challenges Remain To Achieve Full UAS Integration**.
- **Section 922: Extension of Know Before You Fly Campaign** – Extends the Know Before You Fly Campaign through 2028.
- **Section 924: Comprehensive Plan on UAS Automation** – Directs the FAA to develop a comprehensive plan for the integration of autonomous UAS into the national airspace.
- **Section 925: UAS Test Ranges** – Requires the FAA to continue its UAS Test Range program, authorizing up to two new test ranges as deemed appropriate by the Administrator, for a maximum of nine test ranges operating under the program. Upon

the request of a test range sponsor, the FAA may establish restricted, special use airspace as needed.

- **Section 928: Recreational Operations of Drone Systems** – Directs the FAA to approve certain fixed sites at which people may carry out recreational UAS operations, and to publish those sites publicly.
- **Section 930: Beyond Visual Line of Sight Operations for UAS** – Requires the FAA to publish a BVLOS notice of proposed rulemaking within four months, and to publish a final rule within 16 months after publishing the notice.
- **Section 931: BVLOS Acceptable Levels of Risk and Risk Assessment Methodology** – Directs the FAA to develop a risk assessment methodology for BVLOS operations and to publish the methodology publicly.
- **Section 932: Third-Party Service Approvals** – Directs the FAA to establish procedures, via a rulemaking if necessary, to approve third-party service suppliers, including suppliers of uncrewed aircraft system traffic management.
- **Section 934: Operations Over High Seas** – Directs the FAA to work with other civil aviation authorities to establish and implement processes to permit UAS operations of the high seas within flight information regions under United States control.
- **Section 936: Covered Drone Prohibition** – Prohibits DOT from entering into or renewing a contract or grant for the operation or procurement of covered UAS, and requires all covered UAS currently owned and operated by UAS to be replaced. Covered UAS include small UAS, UAS detection systems and counter UAS systems manufactured by entities domiciled in or controlled by China, Russia, Iran, North Korea, Venezuela, Cuba and any other country the Secretary deems necessary to include.
- **Section 937: Expanding Use of Innovative Technologies in the Gulf of Mexico** – Directs the FAA to prioritize authorizing a UAS test range located in a state bordering the Gulf of Mexico, in order to identify challenges associated with operations over large bodies of water, provide transportation of cargo and passengers to offshore energy infrastructure and assess the impacts of operations in saltwater environments, among other goals.

Subtitle B – Advanced Air Mobility

- **Section 952: FAA Leadership in Advanced Air Mobility** – Expresses the sense of Congress that the U.S. should endeavor to become a leader in advanced air mobility,

and encourages the FAA to prioritize work on type certification for powered-lift aircraft, to publish rulemakings and policy necessary to enable commercial operations, to work with global partners to promote acceptance of AAM products, and to work with manufacturers and other stakeholders to enable the safe entry of such aircraft into the national airspace.

- **Section 953: Application of National Environmental Policy Act (NEPA) Categorical Exclusions for Vertiport Projects** – Directs the FAA to apply any applicable categorical exclusion under NEPA in considering the environmental impacts of a vertiport project, and to consult with the Council on Environmental Quality to establish additional categorical exclusions for vertiports as appropriate.
- **Section 955: Rules for Operation of Powered-Lift Aircraft** – Directs the FAA to publish, within seven months, a final rule establishing procedures for certifying pilots of powered-lift aircraft and providing operational rules for such aircraft.
- **Section 957: Powered-Lift Aircraft Entry Into Service** – Directs the FAA to take actions necessary to safely integrate powered-lift aircraft into the national airspace and to update air traffic orders and policies to the extent necessary.
- **Section 958: Infrastructure Supporting Vertical Flight** – Directs the FAA to publish a performance-based vertiport design advisory circular, and to begin the work necessary to update the existing “Helicopter Design” Advisory Circular.
- **Section 960: Advanced Air Mobility Infrastructure Pilot Program Extension** – Extends the AAM Infrastructure Pilot Program through September 2027.

Title X – Research and Development

Covered here are new and ongoing research and development programs at the FAA and DOT. **Section 1007** directs the FAA to establish a credentialing authority, to be called ASSUREd Safe, to offer standards, education and testing for the use of UAS by first responders; uniform communications, operational and reporting standards for civilian, military and international allies and partners; and any other relevant standards as needed. **Section 1024** directs the FAA to conduct a review of artificial intelligence (AI) and machine learning technologies to improve airport efficiency and machinery, including examination of the application of these technologies to jet bridges, airport service vehicles on airport movement areas, aircraft taxi, air traffic control operations and any other areas deemed necessary to improve airport efficiency and safety.

Much of this section involves interagency coordination around research and development, including **Section 1026**, which directs the FAA to consult with the National Telecommunications and Information Administration and the Federal Communications Commission in order to study the effective and efficient use of radiofrequency spectrum in the civil aviation domain for aircraft, UAS and AAM. **Sections 1042-1045** direct the National Science and Technology Council to designate an interagency working group on AAM and UAS systems to coordinate federal research, development, testing and education activities. The group is directed to develop and periodically update a strategic plan for federal research on these topics, and consistent with this plan, the FAA is directed to coordinate with the National Aeronautics and Space Administration (NASA) and other federal agencies on carry out and support research on UAS and AAM integration.

Title XI – Miscellaneous

This catch-all title also includes provisions of import to UAS, AAM and other aviation operators. **Section 1109** addresses the use of hydrogen in civil aviation, tasking the FAA Administrator with assessing the safe use of hydrogen in civil aviation (including hydrogen-powered aircraft). **Section 1110** provides for reports to Congress on planned actions to update regulations regarding civil supersonic aircraft. **Section 1113** authorizes a study on the economic sustainability of air cargo operations, including airport and air cargo development strategies.

Conclusion

Thank you for your interest in this alert. The 2024 FAA Reauthorization Act is over 1000 pages long. If you have specific questions about the Act, or anything covered in this alert, do not hesitate to contact us.

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