



**Drone Advisory Committee (DAC) – Task Group 3
Tasking on Unmanned Aircraft Systems (UAS) Funding
March 7, 2017**

ACTION: Tasking on UAS funding.

SUMMARY: The Federal Aviation Administration (FAA) asks the DAC to provide recommendations for options on how to fund the activities and services required both by government and industry to safely integrate UAS operations into the National Airspace System (NAS) over the near and longer terms. The FAA would welcome consideration of a broad array of options, including industry assuming a lead role for certain aspects, or public-private partnerships between government and industry. This would include an evaluation of which activities and services are more efficiently done by the government, which could be performed effectively by industry, and considerations of short-term practicality and eventual scalability.

Most of the FAA's funding comes from aviation users, through a series of excise taxes on airline passengers and shippers, fuel taxes, and user fees for registration, aeronautical charting, and overflights of U.S. airspace. As the UAS sector is growing, so are its demands on FAA staffing and other resources. What will be required to safely integrate UAS will be an ongoing conversation between government and industry, but it is important to note that this work will be added on to FAA's already constrained budget. The FAA is committed to full integration of UAS into the NAS, which requires additional resources to support the required new and ongoing activities. The FAA has a draft plan describing the activities needed over the next two to five years to facilitate the integration of UAS into the NAS. Progress on integration is essential to maintain U.S. competitiveness in this field while also sustaining the exemplary aviation safety record.

TASK: The FAA tasks the DAC to evaluate and analyze potential mechanisms for UAS users to fund the activities and services required to safely integrate UAS operations into the NAS over the near term. The DAC is to make recommendations to the FAA reflecting a consensus view that could be used to inform near-term government action. In the event of failure to reach consensus, majority and minority reports may be submitted. FAA subject matter experts will be available to assist as needed.

Develop Recommendations

The Task Group should develop recommendations as to the UAS community's preferred method(s) for funding Federal activities and services required to support UAS operations for the next two years, and beyond. Multiple options may be explored and analyzed. The report should address:

1. Who should be responsible for conducting the identified activities and services needed to support the safe integration of UAS operations into the NAS?
 - Are there activities and services that could be performed by industry in the near-term or longer-term, or through a public/private partnership?
2. For the activities the FAA should perform, what level of funding resources are needed to support the safe integration of UAS operations into the NAS?
 - If funding is insufficient, which activities or services have the highest priority?
3. What funding mechanisms should be used to support these activities and services?
 - What activities and services should the Federal Government perform using traditional funding methods (such as taxes or fees)?
 - Should different Federal activities or services be paid for differently?
 - Should different types of UAS pay different amounts or via different mechanisms?
4. How could the funding mechanisms be implemented for the near-term, and how might they change as the industry evolves?
 - Is there a recommended phased or incremental approach?
 - What are the implementation issues and costs?
 - What incentives or unintended consequences might result?
5. What options were explored and rejected? Why were they rejected?

SCHEDULE: The Task Group's interim recommendation report should be submitted to the Drone Advisory Committee no later than June 30, 2017 to enable DAC consideration via teleconference in July. The Task Group should then consider feedback from the DAC, as well as the longer term evolution of funding, in a report by March 2018.

FOR FURTHER INFORMATION CONTACT: Victoria Wassmer, Acting Deputy Administrator and Chief NextGen Officer (ADA-1), and DAC Designated Federal Official (DFO) at (202) 267-8111; or Earl Lawrence, Director, Unmanned Aircraft Systems Integration Office (AUS-1) and DAC Sub Committee Federal Lead at (202) 267-0168.

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Victoria B. Wassmer
Deputy Administrator (A), Chief NextGen Officer
and DAC Designated Federal Official

BACKGROUND:

The FAA faces challenges of budget instability, budget inadequacies, and lack of management flexibility. In order to facilitate the introduction, integration and on-going operations of UAS throughout the United States, the FAA requires new resources to be devoted to this task. The UAS Implementation Plan lays out the myriad UAS activities of the Agency over the next few years and many of them require additional funds.

Up to this point, the FAA's UAS efforts have been funded primarily by reallocating personnel and shifting internal funds to support these activities, which include standing up the UAS Integration Office, developing the Agency's framework for UAS integration into the NAS, and conducting the initial implementation of the Small UAS Rule (14 CFR part 107). Absorbing these costs is impacting the FAA's ability to meet its other responsibilities. While the FAA received funding for some UAS work in prior years, the requirements to meet UAS needs is outpacing the Agency's resources. Without additional funds, the FAA will not be able to keep pace with the dramatic growth in public, industry, and business demands for UAS operations.

For example, after one month of implementing the Small UAS Rule, the demand for UAS operations had already overwhelmed our traditional systems and manual processes. The current processing and backlog of Waivers to Airspace Authorizations are similar to the issues with the exemption process for Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA), which grants the Secretary of Transportation the authority to determine whether an airworthiness certificate is required for a UAS to operate safely in the NAS. However the backlog of waivers is worse due to an even higher public and industry demand. The FAA does not have the funding necessary to build automation systems that would allow the agency to meet public demand. Requirements from the recent reauthorization legislation (FAA Extension, Safety, and Security Act of 2016, P.L. 114-190) may also be impacted. For example, while the FAA will be able to conduct the pilot program on airspace hazard mitigation using unmanned aircraft detection systems required under Section 2206 of the reauthorization legislation (Public Law 114-190 (July 15, 2016)), the development and implementation may need third party investment, perhaps through a public-private partnership. This situation will grow more urgent as the FAA continues through the next phase of its rulemaking activities, such as enabling operations over people or beyond line of sight. And while significant UAS traffic management efforts may be borne by the private sector, integrating operations into the FAA's air traffic control automation systems will require significant capital investment. Further, any services required to respond to the growth of UAS activities, whether counter-UAS, airspace management, or other types of service will most likely require additional investment and operational funding.

Looking beyond currently planned activities, if additional funding cannot be found, progress will be greatly impacted. All related activities required for FAA to fully integrate UAS operations into the NAS over the long-term – rulemaking, developing safety standards, conducting safety oversight, developing automation and other IT systems, and conducting research – will be impacted by limitations of FAA's current funding. For example, in order to incorporate UAS into the NAS, current systems such as En Route Automation Modernization (ERAM) and Terminal Automation Modernization and Replacement (TAMR) might require significant modifications and this will require more funding.

Industry Funded Models

In terms of industry funded activities, the ARINC model provides a good example. ARINC, established in 1929 as Aeronautical Radio, Inc., is a major provider of transport communications and systems engineering solutions to commercial airlines and airports. It provides fee-based services to the aviation industry. It was chartered by the Federal Radio

Commission (which later became the Federal Communications Commission (FCC)) in order to serve as the airline industry's single licensee and coordinator of radio communication outside of the government. Through most of its history, ARINC was owned by airlines and other aviation-related companies such as Boeing, until the sale to The Carlyle Group in October 2007, and then to Rockwell Collins in 2013.

ARINC took on the responsibility for all ground-based, aeronautical radio stations and for ensuring station compliance with FCC rules and regulations. ARINC expanded to support transport communications, as well as the commercial aviation industry and U.S. military. ARINC also helps develop consensus-based, voluntary technical standards for the aviation industry.

Other examples of industry-led activities include the FAA's Designee program, where the FAA designates qualified technical people who are not FAA employees to perform certain exams, tests, and inspections necessary to comply with applicable standards. Industry conducts these activities using its own resources under FAA oversight.

The FAA does not charge U.S. manufacturers for aircraft certification; however, there are international models where authorities such as the European Aviation Safety Agency, (EASA) impose fees on applicants seeking EASA certificates of airworthiness.

FAA Funding Today

The FAA today is largely funded through a series of excise taxes imposed on aviation users. These revenues are collected in the Airport and Airway Trust Fund (Aviation Trust Fund). Congress appropriates funds for the FAA's four budget accounts from two principal sources: the Aviation Trust Fund revenues, and contributions from the General Fund of the U.S. Treasury. Though the funds in the Aviation Trust Fund are generated by users of the airspace, they cannot be used by the FAA unless first authorized and appropriated by Congress.

The FAA has experienced a continuing resolution (CR) at the beginning of each fiscal year for the last 20 years, three instances of furloughs or shut downs in the last five years, and a series of authorization extensions (23 extensions of the last reauthorization, and currently on our third extension). Without certainty about funding levels each year, long term planning becomes extremely difficult. When operating under a CR, agencies must be careful not to overspend, so programs might not move forward as quickly as desired or expected. There is also a prohibition on "new starts" during a CR, limiting FAA's ability to be quickly responsive to emerging issues.

Airport and Airway Trust Fund (Aviation Trust Fund)

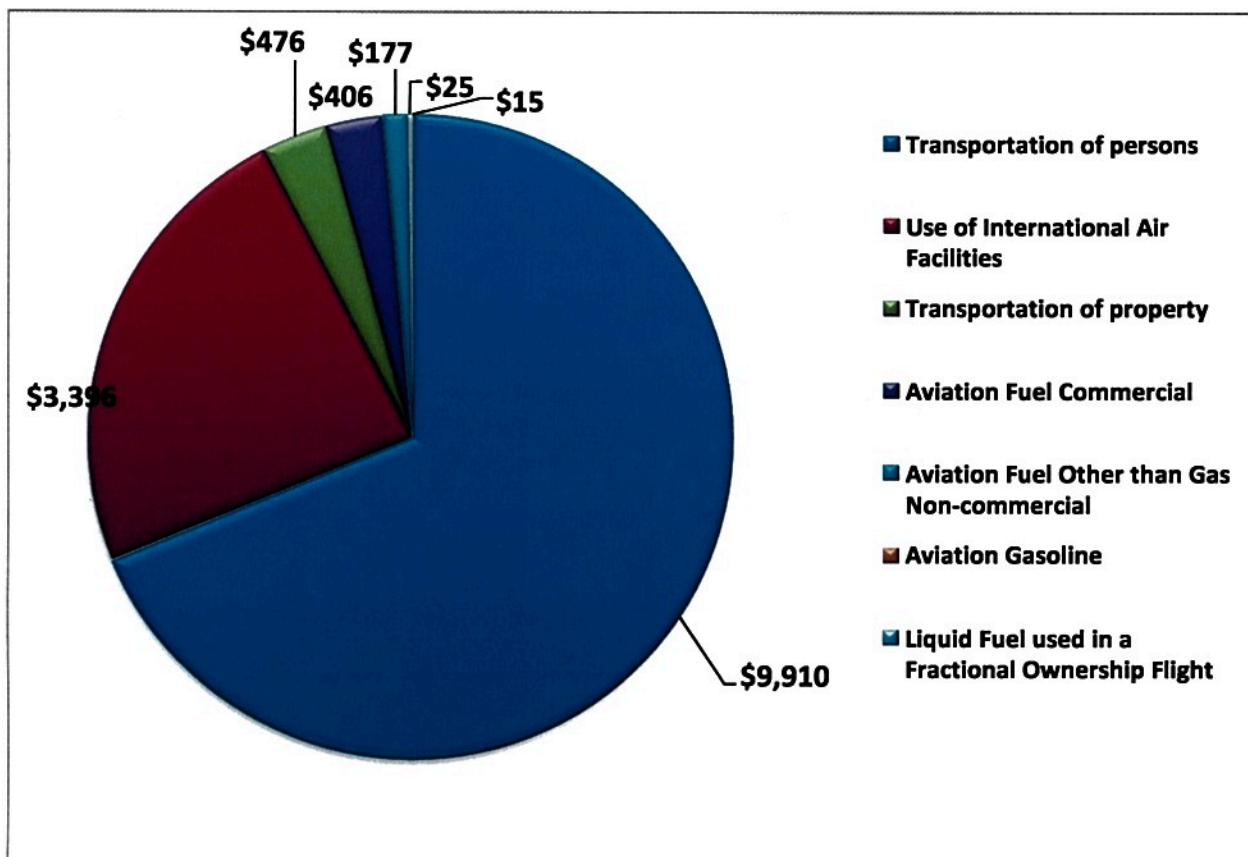
Created in 1970, the Aviation Trust Fund constitutes the primary funding source for FAA programs. Each year since Fiscal Year (FY) 2012 the Aviation Trust Fund has provided no less than 71 percent of the FAA's annual funding. In FY 2016, the Aviation Trust Fund constituted 87.8 percent of the FAA's funding.

The Trust Fund receives revenues from a variety of excise taxes paid by users of the NAS. Aviation excise taxes are imposed on domestic passenger tickets, domestic flight segments, international passenger arrivals and departures, and on purchases of air travel miles for frequent flyer and similar programs. In addition, taxes are imposed on domestic air cargo waybills and aviation fuel purchases. These taxes fall into four broad categories: (1) domestic transportation of persons; (2) use of international air facilities; (3) domestic transportation of property (air cargo); and (4) domestic aviation fuel taxes.

Aviation Trust Fund Excise Tax Structure

Trust Fund Excise Tax Revenue Sources	Rates effective as of January 1, 2017
Domestic passenger ticket tax	7.5 percent
Domestic flight segment tax (excluding flights to or from rural airports)	\$4.10 per passenger per segment; indexed to the Consumer Price Index
Tax on flights between the continental United States and Alaska or Hawaii (or between Alaska and Hawaii)	\$9.00 per passenger; indexed to the Consumer Price Index
International arrival and departure tax	\$18.00 per passenger; indexed to the Consumer Price Index
Tax on mileage awards (frequent flyer awards tax)	7.5 percent of value of miles
Domestic commercial fuel tax	4.3 cents per gallon
Domestic general aviation gasoline tax	19.3 cents per gallon
Domestic general aviation jet fuel tax	21.8 cents per gallon Note: Effective after March 31, 2012 a 14.1 cents per gallon surcharge for fuel used in fractional ownership flights
Tax on domestic cargo or mail	6.25 percent on the price paid for transportation of domestic cargo or mail

Total FY 16 excise tax revenues \$14,406 M



General Fund

The General Fund of the U.S. Treasury also provides resources for the Agency's Operations account. In FY 2016, it accounted for \$1.9 billion of the \$9.9 billion appropriated to that account. Over the past ten years, the General Fund appropriation has ranged from a low of \$1.1 billion in FY 2015 to a high of \$5.4 billion in FY 2010.

A funding option would be to consider the UAS industry an "infant industry" in need of special protections. The infant industry argument for tax (or regulatory) relief is typically invoked in cases where a nation sees the existence of potentially large external benefits from the growth of an industry, or the potential for other important non-economic benefits. With this consideration, Congress would need to be asked for additional General Fund support explicitly for the FAA's UAS-related resource requirements in the absence of any kind of tax or fee revenues from UAS.

Charging Mechanisms

The Congressional Budget Office defines a user fee as "money that the Federal Government charges for services or for the sale or use of federal goods or resources that generally provide benefits to the recipients beyond those that may accrue to the general public." User fees assign

part, or all of the costs, of programs and activities to readily identifiable users of those programs and activities.

One purpose for having user fees as a funding mechanism is equity, as they help ensure that government services are paid for--at least partly--by those who use them. A principal advantage of user fees over many other funding mechanisms is that they may foster production efficiency by increasing awareness of the costs of publicly provided services and therefore increase incentives to reduce costs where possible. One challenge of user fee funding is that this method may have difficulty achieving revenue adequacy if the basis of cost recovery relies on historic costs and the costs of providing services increase over time.

The FAA currently collects a variety of fees: overflight fees, registration fees, and aeronautical information services (aeronautical charting products) fees. The FAA also collects fees for the services of Flight Standards Service (AFS) Aviation Safety Inspectors (ASI) outside the United States; these fees recover the costs of certification services and approvals. Overflight fees are charges for costs of providing air navigation services for aircraft flights that transit U.S.-controlled airspace, but neither land in nor depart from the United States. The FAA charges separate fees for en route and oceanic airspace services; the fees charged reflect FAA cost accounting and air traffic activity data. Overflight fees fund the Department of Transportation's Essential Air Services program and do not support any FAA activities or operations.

The FAA also charges fees for aircraft registration and airmen (replacement) certification. The current fees were established in the 1950s and 1960s and have never been updated. Under the 2012 FAA Reauthorization, the FAA was directed by Congress to update fees and to begin charging fees for three additional activities (airmen certificates, airmen medical certificates, and legal opinions related to aircraft registration). At the present time, the FAA is in rulemaking to establish new and updated fees.

Since 1926, the Federal Aeronautical Charting Program has been a fee-based service. Congress transferred the program from the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) to the FAA in October 2000. Public Law 106-181, dated April 5, 2000, provided for the FAA to charge user fees to recover the full costs of the compilation, production and distribution of both electronic and paper charts. Recently, with the rise of digital formats for our navigation and charting products and the corresponding reduction in paper sales, the Agency has faced challenges in fully recovering these costs.

In comparison with fees, a tax has the primary purpose of raising revenue. Taxes are unrequited in the sense that benefits provided by the government to taxpayers are not normally in proportion to their payment. Tax represents revenue that a government collects; such revenue typically comes from an individual or business when they perform a particular action or complete a specific transaction. Such a tax is often assessed as a percentage of an amount of money involved in the transaction e.g., a tax is often placed on the sale of goods or services, such as the aviation excise taxes explained above.

Sometimes the line between user fees and taxes is blurred, as in the case of federal gasoline excise taxes being used to fund the Interstate Highway System. This tax system is based on the

“user pays” principle in which the costs of the construction and maintenance of roadways are paid by the individuals and firms that use and benefit from the service through taxes. Like user fees, Congress can – and sometimes does – choose not to make the full amount of taxes available to a Federal agency for expenditure and the balances in a dedicated trust fund (like the Aviation Trust Fund) may accumulate and go unspent.

UAS users and operations could be taxed for FAA services in varied ways. For example, a UAS purchaser could incur a sales excise tax with the rationale that there is a likely to be a tie-in between the expected future operations of the UAS and the use of government (FAA) services. Alternatively, an excise tax could be levied on the price paid for commercial services rendered by UAS operations. This tax could be analogous to the excise tax on the price paid for the transportation of domestic air cargo. Either of these taxes (a tax on the good purchased or a tax on the service provided) would require new, and potentially, substantial federal tax administration.

Implementation Considerations

Legislative authority is required in order to provide federal revenue through user fees, taxes or the General Fund. Taxes generally fall under the jurisdiction of the tax committees, while user fees can be handled through authorizations and/or appropriations. For many years, the FAA has had an annual appropriations law prohibition on instituting new user fees, which would need to be addressed. In addition, obtaining new funding from Congress involves navigating its inherent political nature and political challenges.

Congress could set fees in statute but rulemaking may be necessary if Congress is not prescriptive enough or establishes cost-recovering user fees. For example, the FAA is currently promulgating rules updating overflight fees and for establishing new and updated aircraft and airman registry fees. If user fees are established, the FAA would most likely be the billing and collection agency for the fees. Federal excise sales taxes are administrated by the Internal Revenue Service (IRS).

Fees and taxes can also change behaviors by creating disincentives or friction. For example, a transaction-based fee charged as a condition of receiving a specific service may cause people to avoid the service. This is undesirable for fees that have potential safety implications. In contrast, a point-of-sale retail tax appears to the user as essentially bundled into the retail price, and so appears simple. Its impact on the purchase decision will be influenced by its size relative to the purchase price and the overall price sensitivity of the purchaser.

Any funding mechanism will have impacts on those charged as well as practical considerations for implementation. The administrative burdens vary both for entities paying and charging. There are costs and time processes associated with establishing and collecting fees, as well as with enforcing compliance. As UAS are further integrated into the NAS, industry environment will continue to change along with the regulatory landscape. The funding solution needs to be flexible and scalable to accommodate these changes.

Lastly, options for a funding structure for UAS should not be constrained by the current traditional aviation funding structure. At the same time, as funding structure for UAS should not be expected to alter the current structure of funding for traditional aviation.