
TO: AIRPORT COMMISSION

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SUBJECT: Legislative Update

DATE: February 8, 2023

FEDERAL

FAA Reauthorization

[The FAA Reauthorization Act of 2018](#) was signed into law on October 5, 2018. It extended FAA's funding and authorities through federal fiscal year 2023. The bill includes several key legislative changes related to increasing the safety and pace of UAS integration, expediting the financing and development of airport capital projects, directing the FAA to advance leadership in the field of international supersonic aircraft policies, addressing aircraft noise, and ensuring safe lithium battery transport.

A key priority for the 118th Congress is to pass a new FAA Reauthorization bill before the end of the federal fiscal year (September 30, 2023). The House Transportation and Infrastructure Committee today held its first aviation hearing of the year titled, "[FAA Reauthorization: Enhancing America's Gold Standard in Aviation Safety](#)." The hearing focused on flight safety concerns, new entrants into the aviation system, the need for updated aviation technology, and FAA workforce issues.

Key Committee Assignments

- Rep. Sam Grave (R-MO) is now the chair of the House Transportation Committee. Graves, a pilot with a commercial rating, has deep knowledge about aviation issues. He has said that he wants to focus on adequate funding for small and medium-sized airports, especially in rural communities.
- Sen. Maria Cantwell (D-WA) is the chair of the Senate Commerce Committee. She stated that her focus is going to be consumer issues and air transportation system changes.
- Sen. Tammy Duckworth (D-IL) is the new chair of the Aviation Subcommittee.

Omnibus Spending Package

In December 2022, a \$1.7 trillion [omnibus spending package](#) that includes a number of airport priorities and provides funding across the government for the remainder of the federal fiscal year that runs through September 2023. The massive package includes all 12 annual funding bills for the federal government, including the Department of Transportation/Federal Aviation Administration spending bill and the Department of Homeland Security/Transportation Security Administration/Customs and Border Protection spending measure.

Within this legislation, here is a brief summary of key elements of importance to the airport industry:

- **FAA:** Overall, the final bill includes more than \$19.02 billion for the FAA – about \$464 million above the administration’s budget request and almost \$564 million more than the FY22 funding level.
- **Facilities and Equipment:** The measure proposes more than \$2.945 billion for FAA facilities and equipment, including NextGen programs.
- **Airport Improvement Program:** The omnibus includes \$3.35 billion for the traditional AIP account in FY23 – the same as the current funding level. Of that amount, \$137.4 million is designated for administrative expenses, \$15 million for the Airport Cooperative Research Program, approximately \$41 million for Airport Technology Research, and \$10 million for the Small Community Air Service Development Program.
- **Supplemental AIP:** The omnibus includes approximately \$558.6 million in supplemental AIP discretionary funding. Of that amount, approximately \$283.6 million is reserved for earmarks, which are officially known as “Community Project Funding” requests. For the remaining \$275 million for discretionary grants, the omnibus specifies that at least \$25 million is specifically designated for grants to commercial service airports located in non-attainment or maintenance areas for low-emission fuel systems, gate electrification, or acquisition of airport-owned vehicles or ground support equipment with low-emission technology.
- **Transition from AFFF to Fluorine-free Foam (F3):** The explanatory statement accompanying the omnibus includes AAAs-supported direction to FAA regarding the upcoming transition from Aqueous Film Forming Foam (AFFF) to a F3 that mirrors similar language included in the reports accompanying the House and Senate FAA/DOT spending bills. In May, the U.S. Navy provided industry with an opportunity to comment on a draft MIL-SPEC for F3, signaling that DOD and FAA

are making significant progress in finding a suitable replacement foam and are on track to meet the January 2023 deadline set in the FY20 National Defense Authorization Act for having an approved F3. However, without a proactive transition plan from FAA in collaboration with other relevant federal stakeholders, the transition from AFFF to F3 for airports will likely face numerous hurdles.

- **Unleaded Avgas:** The explanatory statement directs FAA to prioritize funding to test and identify unleaded fuels that can be safely used in piston-engine aircraft and are viable candidates for fleet authorization. It further requires a congressional briefing from FAA on any progress it has made on these pending applications.
- **Radio Altimeters and 5G:** The explanatory statement directs FAA “to immediately notify Congress of any anticipated disruptions to the aviation system due to further implementation of 5G and to continue its collaboration with other Federal agencies and industry stakeholders to mitigate disruptions caused by the 5G rollout in order to maintain a safe and efficient national airspace as additional telecommunications companies deploy 5G.” Furthermore, the statement directs the FAA to provide a briefing to Congress on current radio altimeter technologies, including filters and other redesigns to reduce their susceptibility to potential 5G interference, and the extent to which such technologies can accommodate all future desired uses of C-band spectrum adjacent to the radar altimeter band.
- **TSA Funding:** The bill provides a total of \$9.324 billion for TSA, \$722 million below the administration’s request and \$836 million above the FY22 funding level. The agreement does not include a request from the administration to allocate all aviation security fees directly to TSA instead of some being required for deficit reduction.
- **Exit Lane Staffing:** The agreement rejects the administration’s proposed move to shift exit lane staffing to airports and provides \$94.1 million to TSA to meet its statutory obligations in this area. Within 120 days, TSA is directed to report on technological solutions to secure exit lanes and the feasibility of implementing such solutions.
- **U.S. Customs and Border Protection:** The bill provides \$16.7 billion for CBP, \$1.27 billion above the administration’s request and \$1.82 billion above the FY22 funding level. Key highlights from the CBP section include:
 - \$60.1 million above the budget request for an additional 125 CBP officers, 250 technicians and 250 mission support staff,
 - \$94.655 million to restore proposed reductions in pay for the Office of Field Operations personnel, and

- \$309 million in emergency designated funding to offset the loss of user fee revenues fee collections due to the continued impact of the pandemic on international travel.

The American Association of Airport Executives published their 2022 summary of federal legislative activities. The document is available at:

<https://app.yearly.report/newbuilder/#/from/american-association-of-airport-executives/2022-aaae-federal-affairs-annual-report>