

**TO:** AIRPORT COMMISSION

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**SUBJECT:** LEGISLATIVE UPDATE

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## FEDERAL

In December, Congress passed, and the president signed a pair of spending bills to fund the federal government through the end of the federal fiscal year, September 30, 2020.

Highlights from Transportation:

- \$3.75 billion for the Airport Improvement Program, including \$3.35 billion for the regular program and \$400 million in additional discretionary funding available to all-size airports. At least half of the additional funding is directed to small hub, non-hub, reliever, and nonprimary airports, while the remaining funds are available to large and medium hub airports.
- \$312.5 million for the Essential Air Service Program.
- \$170 million for the Contract Tower Program.
- \$15 million for the Airport Cooperative Research Program.
- \$10 million for the Small Community Air Service Development Program.

Highlights from Homeland Security:

- \$104.4 million to support over 800 new positions in CBP's Office of Field Operations, including 610 additional CBO Officers and Agriculture Specialists. CBP is again encouraged to utilize fee funding to hire up to a total of 1,200 CBP Officers and 240 Agriculture Specialists during Fiscal Year 2020. If these numbers are realized, CBP would be able to nearly cut in half the staffing shortfall identified in the agency's most recent workload staffing model.
- \$77.7 million additional for TSA to fund 1,090 new Transportation Security Officers to conduct security screening of passengers, baggage, and cargo.
- \$46.3 million for TSA to maintain the law enforcement officer reimbursement program.
- \$83.5 million for TSA to continue staffing exit lanes.
- \$40 million for TSA to continue reimbursing airports for in-line baggage screening systems they installed after 9/11.
- \$68.6 million (along with funding from the Aviation Security Capital Fund) for TSA to deploy 320 new computed tomography screening machines, including \$2 million set-aside for TSA to develop smaller CT machines.

- \$4.3 million for TSA to continue the procurement of Credential Authentication Technology units.
- \$165.7 million for TSA to support 1,097 explosive detection canine teams.
- \$25.4 million for TSA to fully fund the Screening Partnership Program.

### PFAS Debate

The regulation of PFAS as a hazardous material under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was not included in the final budget legislation signed in December 2019. The House of Representative passed HR 535, the PFAS Action Act, on January 10, 2020, which focused on PFOA and PFOS. This bill included a provision that would provide a specific airport liability exemption from CERCLA.

### Infrastructure

House Democrats recently released their infrastructure framework titled, "Moving Forward Framework for the People," which calls for investing \$30 billion in airport and airway infrastructure over five years or \$60 billion over ten years. A committee summary correctly points out that "while passenger traffic in the United States increased by nearly 20 percent since 2009, Congress has maintained relatively flat funding levels for the AIP since 2007 and has not increased the current PFC cap of \$4.50 per enplanement since 2000." The full document is available at:

<https://transportation.house.gov/imo/media/doc/Moving%20Forward%20Framework.pdf>

The framework offers the following suggestions to improve America's airports:

- Increase the Passenger Facility Charge (PFC) cap and index it for inflation going forward.
- Create a new federal grant program focused on investing in modernization projects that can enhance airport and airspace capacity, reduce an airport's carbon footprint, or achieve an otherwise significant national or regional objective, like accelerating the completion of NextGen.
- Incentivize the research, development, and testing of new technologies and products that will enhance sustainability, resiliency, and noise mitigation in and around airports.

### **STATE**

Staff continue to monitor the situation for state issues such as:

- Turo and peer-to-peer car rentals
- REAL ID processing at the DMV
- PFAS and the Water Boards
- Ground transportation requirements for electric or carbon free vehicles
- Contract worker requirements and the impact on businesses at the Airport
- Aviation fuel tax
- Sustainable aviation fuel

There are no updates at this time on these items.