



## H.R. 4 — FAA Reauthorization Act of 2018 (Rep. Shuster (R-PA))

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### FLOOR SCHEDULE:

Scheduled for consideration beginning on April 25, 2018 under a structured [rule](#).

The Rule makes in order 116 amendments. The rule would provide that the Chairman of the Committee on Transportation and Infrastructure may offer amendments *en bloc*. An amendment offered by the bill sponsor is described below. **Other amendments will be described in a future Legislative Bulletin.**

The rule also provides for consideration of H.R.3144, To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time.

The rule further provides for operations of the House during the District Work Period.

### TOPLINE SUMMARY:

[H.R. 4](#) reauthorizes the Federal Aviation Administration's accounts, makes a number of changes to FAA grant programs, and amends and expands regulations related to passenger travel.

The bill also makes a number of reforms to the manner in which federal disaster aid is dispersed and adjusts the limits of certain disaster aid programs.

### COST:

The Congressional Budget Office [estimates](#) that H.R. 4 would not increase or decrease net direct spending over the FY 2018 -2028 period.

The underlying would bill provide for \$3.35 billion in contract authority for the Airport Improvement Program for each fiscal year over the FY 2018 – 2023 period. This is consistent with CBO's April 2018 baseline projections.

CBO estimates the bill could negligibly affect revenues.

Enacting the bill would result in no net effect on direct spending on the 2018-2028 period.

### CONSERVATIVE VIEWPOINTS:

Some conservatives may be pleased that the bill repeals a provision of current law that allows for an automatic increase in the authorization for facilities and equipment to the appropriation level if the amount appropriated exceeds the authorization.

Some conservatives may be pleased the bill requires a report to Congress detailing the removal of duplicative programs and wasteful practices.

Some conservatives may be pleased the bill streamlines the permitting process and increases transparency in grants and contracts.

Some conservatives may be pleased the bill requires a report on the total costs allocable to the use of air traffic services for the most recent fiscal year, and the total revenues received biennially for 8 years.

Some conservatives may be concerned that the bill creates and reauthorizes a number of programs that are not appropriate activities of the federal government. One of these is the reauthorization of the Essential Air Service. This program heavily subsidizes flights to and from rural areas—often at a cost of several hundred dollars per passenger. Congress has debated eliminating this program for years. The federal government should not be borrowing money to provide air service to areas of the country where the market will not support it. The Essential Air Service program is recommended for elimination in the [RSC Budget](#).

▪ **Expand the Size and Scope of the Federal Government?**

The bill expands the State Block Grant Program from 10 states to 20 states.

The bill results in number of additional regulations, such as, requiring the FAA to establish minimum seat dimensions, prohibiting the involuntarily bumping of passenger, requiring mothers' rooms at airports and prohibiting cell phone calls and the use of e-cigarettes on flights.

Some conservatives may be concerned that the bill increases the amount of disaster relief funding states, nonprofits, and individuals are able to receive.

Some conservatives may be concerned that the bill allows the federal government to make repairs to a property that it is leasing beyond the value of the lease.

▪ **Encroach into State or Local Authority?** The bill prohibits states from collecting taxes or fees on any business at a commercial service airport unless the revenue is used exclusively for the airport.

The bill requires a certification process for drone package delivery, which some conservatives may believe this is more appropriately handled at the state level.

▪ **Delegate Any Legislative Authority to the Executive Branch?** No.

▪ **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

## DETAILED SUMMARY AND ANALYSIS:

### TITLE I

#### Subtitle A

The bill reauthorizes from the Airport and Airway Trust Fund the following amounts:

Federal Aviation Administration's (FAA) **Airport Improvement Program** (AIP) account: \$3.350 B for fiscal year 2018 through fiscal year 2023.

**FAA's Facilities and Equipment account:**

- FY18: \$2.920 B
- FY19: \$2.984 B
- FY20: \$3.049 B
- FY21: \$3.118 B
- FY22: \$3.190 B
- FY23: \$3.263 B

**FAA's Operations account:**

- FY18: \$10.231 B
- FY19: \$10.434 B
- FY20: \$10.639 B
- FY21: \$10.861 B
- FY22: \$22.095 B
- FY23: \$11.329 B

Current [law](#) allows for an automatic increase in the authorization for facilities and equipment if the amount appropriated exceeds the original authorization to the appropriation level. The bill repeals this provision.

Current [law](#) also provides a guarantee for the Airport and Airway Trust Fund to be funded at 90 percent of the estimated level of receipts. The bill removes this provision beginning in FY 2019.

**Subtitle B**

**Passenger Facility Charges:** Under current law, passenger facility charges (PFC) of \$4 or \$4.50 are subject to the following requirements: (1) the PFC must fund a project that will improve air safety and security, increase competition, reduce congestion, or reduce aviation noise for nearby neighborhoods; and, (2) the project will not be funded through AIP. This bill removes these requirements and no longer allows PFCs under \$3. Some conservatives may be concerned that the bill expands the types of project the higher PFCs may be used to fund, while other conservatives have advocated for expansions of PFCs.

Under [49 U.S.C. 40117](#) a pilot project allows the PCF to be collected at non-hub airports. The bill extends this program to all primary airports. Some conservatives may be concerned that this constitutes an expansion of this federal pilot program.

**Subtitle C**

**Airport Space:** The bill prohibits the FAA from requiring an airport owner or operator to provide building construction, maintenance, utilities, or space on airport property without adequate compensation.

**Mothers' Rooms at Airports:** The bill requires medium or large hub airports to provide a room for nursing mothers to breastfeed in every terminal building. The rooms must: (1) be shielded from view and free from intrusion; (2) have a door that can be locked; (3) include a chair, table and electrical outlet; (4) be located within the sterile area; and, (5) be separate from the bathroom. Airports that are applying for grants beginning two years from enactment must comply with this section if they are to be approved for a grant under [49 U.S.C. 47107\(a\)](#). If construction or maintenance activities make it unsafe or impracticable to provide the room within the sterile area, this requirement may be waived. The construction of the rooms at commercial service airports are eligible for grant funding under [49 U.S.C. 47119\(a\)](#). Some conservatives may be concerned that this adds a new regulation to airports.

**Competitive Access Reports:** The bill extends the sunset date for competitive access reports to October 1, 2023.

**Grant Assurances:** The bill allows the construction of aircraft that will be used exclusively for recreational purposes by private individuals in general aviation airport hangars without violating grant assurances under [49 U.S.C. 47107](#) or for receiving federal funding for airport development.

**Community Use of Airport Land:** The bill allows for the leasing of airport land to a local government for recreational use as long as the recreational use will not impact the aeronautical use of the airport, including the airport's safety, and the land will not be needed for aeronautical uses for the next 10 years.

**Marshall Islands, Micronesia and Palau:** The bill extends the eligibility of airports located in the Marshall Islands, Micronesia and Palau for discretionary grants under [49 U.S.C. 47115](#) and grants from the Small Airport Fund under [49 U.S.C. 47116](#) through 2023.

**Indian Employment:** The bill adds a subsection under [49 U.S.C. 47123](#) to allow projects and contracts at airports located on an Indian reservation or airports sponsored by Indian tribal governments to preference Indians living on or near the reservation for employment and contracting purposes.

**Expansion of the State Block Grant Program:** The bill expands the State Block Grant Program established under [49 U.S.C. 47128](#) from 10 states to 20 states. Some conservatives may be concerned this expands a federal government program.

**Midway Island Airport:** The bill extends the authority for the Secretary of Transportation to enter into a reimbursable agreement with the Secretary of the Interior to fund airport development at Midway Island Airport through fiscal year 2023.

**Property Conveyance Releases:** The bill allows the secretary to release terms or restrictions from any deeds under which the U.S. conveyed to an airport, city or county a real property interest for airport purposes. The airport, city or county must receive fair market value for the sale and proceeds must be used to develop or maintain a public airport.

**Contract Tower Program:** The bill makes a number of changes to the Contract Tower Program. First, the bill does not require airports that have a benefit-to-cost ratio under 1.0 to pay the portion of the costs that exceeds the benefits for 1 year. Under current law, the airport is not required to pay the portion for 18 months. The bill also removes the \$10.350 million cap on funding to the Contract Tower Program. Grants may be used to reimburse costs for the construction or improvement of remote air traffic control tower equipment in primary airports and non-primary public-use airports. The \$2 million cap on federal shares for the construction of nonapproach control towers is also repealed. Some conservatives may be concerned that this repeals the cap on federal shares.

The bill makes changes to the benefit-to-cost calculations. The bill requires that the secretary calculates a benefit-to-cost ratio within 90 days of receiving the application.

The bill adds criteria to the benefit-to-cost ratio of the Air Traffic Contract Tower Program. For ATC services at nonapproach control towers, the bill requires the secretary to calculate a benefit-to-cost ratio for the tower annually. For towers under the Contract Tower Program the secretary is prohibited from calculating a benefit-to-cost ratio after enactment unless the annually air traffic has decreased by over 25% from the previous year or over 55% in the previous 3 years. In calculating benefit-to-cost ratios, the secretary may only take into account the FAA's: (1) actual cost of wages and benefits of employees working at the tower; (2) telecommunications costs associated with the tower; (3) costs of purchasing and installing ATC equipment for the tower's operation; (4) travel costs of maintaining ATC equipment in the tower's operation; and, (5) other costs associated with tower operation, but not including costs for non-contract tower related personnel and equipment, even if they are located in the contract tower. The secretary must include a 10% margin of error. The secretary must allow the airport at least 90 days to appeal the determination and FAA

must review the appeal within 90 days. The airport has 30 days to review the appeal and the secretary must refrain from further action during those 30 days. If, after the completion of appeal proceedings, the secretary requires the tower to transition to the Contract ATC Tower Program, the secretary is prohibited from requiring a cost-share payment for at least 1 year.

**Remote Airport Access Roads:** The bill makes projects located in either Alaska or Hawai'i to construct an airport access road that is under 3 miles in length eligible for AIP funding through 2021.

**Buy America Waivers:** The bill requires the secretary to, within 10 days, make waiver justifications available online and provide a comment opportunity for all waivers to the Buy America requirement under [49 U.S.C. 50101](#). The secretary must also submit a report to Congress on all waivers issued.

## **Subtitle D**

**Airport Ground Support Equipment Emissions Retrofit Pilot Program:** The bill repeals the Airport Ground Support Equipment Emissions Retrofit Pilot Program established under [49 U.S.C. 47140](#). The program provided funding for airports to retrofit airport ground support equipment that burns conventional fuels to lower emissions.

**Airport Noise Exposure Maps:** The bill requires updated airport noise exposure maps to be submitted only if the change in airport operation occurs during the five year forecast period for which the last map was submitted or during the airport's noise compatibility program.

**Stage 3 Aircraft Study:** Requires the U.S. Comptroller General to begin a review of the costs and benefits of phasing out covered stage 3 aircraft within the 180 days of enactment. Within 18 months the Comptroller General must submit a report to Congress on the results of the review.

**Community Noise Concerns:** The bill requires the FAA to consider the feasibility of dispersal headings or other lateral track variations to address community noise concerns when proposing a new area navigation departure procedure or amending a procedure that directs aircraft within 6,000 feet of the ground in noise sensitive areas.

**Study on Potential Health Impacts of Overflight Noise:** Requires the FAA to enter into an agreement with an eligible college or university to conduct a study on the potential health impacts of overflight noise. The FAA must submit a report to Congress within 90 days of receiving the results of the study.

**Environmental Mitigation Pilot Program:** Requires the secretary to carry out a pilot program to provide grants to fund environmental mitigation projects that will reduce aviation impacts on noise or air or water quality within 5 miles of the airport. The pilot program is limited to 6 projects at public-use airports and each grant may not exceed \$2.5 million. The program will sunset 5 years after the first grant is made. Some conservatives may be concerned this creates a new government program.

**Aircraft Noise Exposure:** Requires the FAA to conduct a review and submit a report to Congress on the impact of aircraft noise exposure on communities, including recommendations to revise land use compatibility guidelines.

**Community Involvement in FAA NextGen Projects:** Requires the FAA to review their community involvement practices for [Next Generation Air Transportation System](#) (NextGen) project that are located in metroplexes. The FAA must submit a report to Congress within 60 days of the review's completion that include how the FAA will improve community involvement practices.

**Critical Habitat on or Near Airport Property:** Requires the secretary to work with federal agencies to ensure critical habitat designations do not: (1) result in conflicting statutory, regulatory or grant assurance

requirements for airports or aircraft operators; (2) interfere with safe aircraft operation; or, (3) occur on lands that have been prepared for future development, are noise buffer land, or are held to prevent encroachment of uses.

**Reimbursable Costs of FAA MOAs:** Allows congested airports to receive a grant under [49 U.S.C. 48103](#) for projects to mitigate noise if the project includes replace windows, doors, air conditioning units or reconstruction at schools located near the airport. Projects must have been included in a memorandum of agreement prior to September 30, 2002.

## TITLE II

### Subtitle A

**Safety Oversight and Certification Advisory Committee:** The secretary is required to establish a Safety Oversight and Certification Advisory Committee within 60 days to replace the FAA's Air Traffic Procedures Advisory Committee. The committee will provide advice to the secretary on FAA certification and safety oversight programs on issues including: (1) aircraft and flight standards certification; (2) implementation and oversight of safety management systems; (3) risk-based oversight efforts; (4) regulatory interpretation standardization efforts; and, (5) expediting the rule making process and giving priority to safety rules. The committee will also carry out the following functions: (1) consult with private sector representatives, including from general aviation, commercial aviation labor, drone operators and manufactures, and members of the public; (2) provide policy guidance and review of the FAA certification and safety oversight efforts; (3) make legislative, regulatory and guidance recommendations for the air transportation system and aviation safety regulatory environment; and, (4) establish FAA and industry performance objectives. The committee will be comprised of the FAA administrator, or designee, and individuals representing aircraft manufacturers, unions, general aviation operators, air carriers, drone manufacturers and operators, aviation safety management enterprise and aviation maintenance. The secretary must also appoint nonvoting members to represent FAA safety oversight program offices. The committee will sunset after six years

### Subtitle B

**Aircraft Certification Performance Objectives and Metrics:** The FAA is required to establish performance objectives for the FAA and the aviation industry, in regards to aircraft certification, to: (1) eliminate delays in certification; (2) increase FAA and industry accountability; (3) implement risk management principle and a systems safety approach; (4) increase transparency; (5) reduce duplication; (6) improve safety; (7) streamline hiring; and, (8) maintain the U.S.'s leadership in international aviation and aerospace.

**Organization Designation Authorization (ODA):** ODA participants are required to submit a procedures manual to the FAA. The FAA is required to establish the Organization Designation Authorization Office within the Office of Aviation Safety within 90 days of enactment. The ODA Office requires to oversee and ensure consistence of FAA audit program. The FAA administrator must establish an expert review panel to review the ODA program and the impact of the ODA's oversight of the FAA's resources and report to Congress.

**Type Certification Resolution Process:** The bill amends [49 U.S.C. 44704](#) to require that the FAA administrator establish a type certification resolution process within 15 months. The process must include a period for automatic elevation and deadlines for resolution.

**Small General Aviation Airplanes:** The DOT Inspector General is required to review the implementation of the final [rule](#) entitled "Revision of Airworthiness Standards for Normal, Utility, Aerobatic, and Community Category Airplanes" and submit a report to Congress within 180 days of beginning the review.

### Subtitle C



**Flight Standards:** Within 120 days of the establishment of the Safety Oversight Certification Advisory Committee, the FAA administrator is required to establish and track performance objectives related to flight standards. The performance objectives must include: (1) eliminating delays; (2) increasing accountability and transparency; (3) implementing risk management principles; (4) reducing duplication; (5) eliminating inconsistency; (6) improving training opportunities; and, (7) improving safety.

Initial metric data must be generated within 1 year and published online.

**FAA Flight Standards Reform Task Force:** The FAA is required to establish a taskforce on flight standards reform within 90 days. The task force's duties include providing recommendations on: (1) streamlining flight standards regulatory processes; (2) FAA aviation inspector training, standards and performance; and, (3) achieving consistent regulatory interpretations. The task force must submit a report to Congress within 1 year of enactment, at which time the task force shall be terminated.

**Centralized Safety Guidance Database:** The FAA administrator is required to establish a centralized safety guidance database within 1 year of enactment.

**Regulator Consistency Communications Board:** The FAA administrator, in consultation with stakeholders, is required to establish a regulatory consistency communications board within 180 days of enactment.

#### **Subtitle D**

**Safety Workforce Training Strategy:** Within 60 days, the administrator of the FAA is required to establish a safety workforce training strategy to allow employees to complete appropriate training and seeks knowledge-sharing opportunities between the FAA and the aviation industry.

**Workforce Review:** The bill requires the Comptroller General to conduct a review to assess the workforce and training needs for the FAA Office of Aviation Safety.

#### **Subtitle E**

**Promotion of U.S. Aerospace Standards:** The FAA administrator is directed to promote U.S. aerospace safety standards abroad, utilize bilateral safety agreements to improve validation of U.S. type certified aeronautical products and, streamline validation and coordination processes.

**Bilateral Exchanges of Safety Oversight Responsibility:** The administrator of the FAA is allowed to accept airworthiness directive issued by a foreign country's aeronautical safety authority.

**FAA Leadership Abroad:** The FAA administrator is required to: (1) gain expertise in dispute resolution, intellectual property and export control laws; (2) work with U.S. companies to track the amount of time it takes foreign authorities to validate U.S. type certified aeronautical products; (3) provide assistance to U.S. companies who have experience long foreign validation wait times; (4) work with foreign authorities to analyze data to determine timeliness of acceptance and validation of FAA design and production approvals; (5) establish benchmarks to measure success of bilateral aviation safety agreements to reduce validation time; and, (6) work with foreign authorities to improve timeliness of the acceptance of FAA design and production approvals.

**Registration, Certification, and Related Fees:** The bill allows the FAA administrator to establish and collect a fee from foreign entities related to certification.

### **TITLE III**

## **Subtitle A**

**FAA Technical Training:** The bill requires the administrator of the FAA, within 90 days, to establish an e-learning training pilot program. The curriculum includes aviation technology, specialized technical training and training on FAA regulations. The pilot program terminates 1 year after establishment, upon which the administrator is required to establish an e-learning training program that incorporates lessons for covered FAA personnel.

**Safety Critical Staffing:** The bill requires the administrator of the FAA to update the safety critical staffing model within 270 days of enactment. DOT's Inspector General is required to conduct an audit of the model within 90 days.

**Aircraft Data Access and Retrieval Systems:** Within 90 days of enactment, the FAA administrator is required to assess aircraft data access and retrieval systems for regional and major aircraft carriers that are used in extended overwater operations. The systems to be examined must include automatic deployable flight recorders, emergency locator transmitters, and satellite-based solutions.

**Advanced Cockpit Displays:** The FAA administrator is required to review heads-up display systems, heads-down display systems employing synthetic vision systems, and enhanced vision systems.

**Marking of Towers:** The bill makes changes to the markings on all covered towers and meteorological evaluation towers.

**Cabin Evacuation:** The FAA is required to evaluate evacuation certifications, taking into account recent accidents, passenger demographics, emergency conditions and crew procedures.

**ODA Staffing and Oversight:** Within 270 days of enactment, the FAA administrator is required to submit a report to Congress on the progress in regards to identifying staffing needs and the utilization of ODA authority.

**Funding for FAA Licensing Needs:** This bill allows for the FAA to accept funds from those applying for a certification, license or permit to hire additional staff or consultants if the staff and consultants are necessary for timely processing of their application.

**Emergency Medical Equipment on Passenger Aircraft:** The bill requires the FAA administrator to evaluate and revise regulations regarding emergency medical equipment, including the contents of first-aid kits, while considering the needs of children.

**Human Intervention Motivation Study Program (HIMS):** The FAA is required to conduct a [HIMS](#) program for flight crewmembers within 180 days of enactment.

**Flight Attendant Rest Requirements:** The bill requires flight attendants scheduled for a shift less than 14 hours to have a rest period of at least 10 consecutive hours. Current law requires a rest period of 9 hours. In addition, regional and major air carriers are required to submit a fatigue risk management plan. Some conservatives may be concerned that this adds additional regulations to airlines.

**Secondary Cockpit Barriers:** The FAA is directed to issue an order requiring the installation of secondary cockpit barriers on regional and major passenger aircraft. Some conservatives may be concerned that this adds additional regulations to airlines.

**Aviation Maintenance Industry Technical Workforce:** The Comptroller General is required to conduct a study on the aviation maintenance industry's technical workers.



**Critical Airfield Markings:** The FAA is required to issue a request for a proposal for a study on critical airfield markings.

**Aerospace:** The bill extends special rule making procedures to aerospace rule making committees by exempting aerospace from the [Federal Advisory Committee Act](#).

### **Subtitle B: Unmanned Aircraft Systems**

The bill creates a new chapter dedicated to unmanned aircraft systems under chapter 49. The first five sections of the new chapter are very similar to language passed under the FAA Modernization and Reform Act of 2012 and currently codified under [49 U.S.C. 40101](#).

**Certification of New Air Navigation Facilities:** The bill requires the FAA to begin rulemaking to create a procedure to issue certificates for air navigation facilities to operators of low altitude communication, navigation or surveillance systems or traffic drones. Prior to completing the rulemaking process, the secretary is required to determine if the aircraft are able to operate safely in the national airspace system.

**Exemptions and Authorization for Aerial Data Collection:** The bill requires the FAA to establish a procedure for providing exemptions and authorizations for operating small drones for aerial data collection.

**Model Aircraft:** The bill prohibits the FAA from regulating model aircraft.

**Drones for Carrying Property:** The secretary is required to issue a final rule allowing for the carriage of property by small drones for compensation through a certification process. Some [conservatives](#) may believe that this type of regulation should not be instituted at the federal level.

**Micro Drones:** The FAA is required to charter an aviation rulemaking advisory committee to create regulations for micro drones, weighing less than 4.4 pounds.

**Drone Test Ranges:** The bill extends the test range pilot project created under Section 332(c)(1) of the FAA Modernization and Reform Act of 2012 ([49 U.S.C. 40101](#)) for six years from enactment. The bill allows drones with sense-and-avoid and beyond line of sight systems to be used at the test ranges, including the test ranges selected as part of the [pilot program](#) and any public entity authorized by the FAA as a test center.

**Sense of Congress:** The bill expresses a sense of Congress in regards to drones and aviation safety, specifically the use of unauthorized drone usage near airports.

**Privacy Reviews:** The secretary, in consultation with the National Telecommunications and Information Administration, is required to review and identify potential reductions in privacy resulting from integrating drones into the national airspace system.

**Public Drone Operations by Indian Tribes:** The bill adds drones operated by an Indian Tribal government to the definition of public aircraft under [49 U.S.C. 40102\(a\)\(41\)](#).

**Aircraft Registration for Small Drones:** The FAA is required to assess the effectiveness of registering small recreational drones under the [rule](#) promulgated by the FAA in 2015. Earlier this year the District of Columbia Court of Appeals [ruled](#) that the rule “directly violates [a] clear statutory prohibition” when applied to model aircraft.

**Low-Altitude Operation of Drones:** The Inspector General is required to initiate a study into the regulation of low-altitude (under 400 feet) operations of small drones and the appropriate role of government in their regulation.

**Financing Drones:** The Comptroller General is required to initiate a study on the appropriate ways to recover costs related to the regulation, safety oversight and provision of air navigation services to drones.

**Comprehensive FAA Plan:** The secretary is required to update the comprehensive plan required under section 332 of the FAA Modernization and Reform Act of 2012 ([49 U.S.C. 40101](#)) to include developing a concept of operations for drones in the national airspace system.

**Hostile Drones:** The secretary is required to consult with the Secretary of Defense to streamline the deployment of systems intended to mitigate threats from hostile drones.

## TITLE V

### Subtitle A

**American Samoa:** Under current law ([49 U.S.C. 40109\(g\)](#)) the secretary is allowed to issue exemptions to allow for emergency air transportation by foreign air carriers for 30 days. The bill allows for the secretary to issue extended exemptions (up to 180 days) to provide for transportation between the American Samoan islands of Tutuila and Manu'a. Currently there are no American air carriers that provide service between the two islands; the only airline to fly the route is [Polynesian Airlines](#), operated by the Samoan government.

**Prohibition of Cell Phone Calls:** The secretary is required to issue regulations prohibiting the use of cell phones to make phone calls during flights. In 2017, the Federal Communication Commission withdrew a [proposal](#) to allow cellphone calls to be made on flights. Advances in technology has lessened the safety risks originally associated with making phone calls during flights, but many argue that the phone calls still shouldn't be allowed because of the effect it would have on the relaxing atmosphere of the cabin. Some conservatives may feel this not an appropriate area for the federal government to regulate.

**Insecticide Use:** Air carriers are required to disclose on their website if an aircraft's destination may require insecticide treatment before or after passengers have boarded. Some conservatives may be concerned that this adds a new regulation to airlines.

**Full Fare Advertising:** The bill requires air carriers to disclose the full airfare, including government-imposed fees and taxes, in advertisements. The base fare may be displayed only if the full fare is disclosed through a link or pop-up that is easily accessible. Some conservatives may be concerned that this adds a new regulation to airlines.

**Baggage Fees:** Similarly, air carriers and ticket agents are required to include information about additional baggage fees when receiving an airfare quote online. Some conservatives may be concerned that this adds a new regulation to airlines.

**Bumping of Boarded Passengers:** The bill prohibits an airline from involuntarily bumping a passenger who holds a confirmed reservation if that passenger has already boarded the aircraft. Some conservatives may be concerned that this adds a new regulation to airlines.

**Widespread Disruptions:** In an event that an air carrier experiences an interruption of the overwhelming majority of their flight operations, the carrier is required to immediately publish on their website a statement indicating whether or not they will be providing hotel accommodations, ground transportation, meal vouchers, flights on alternative carriers, or sleeping facilities within the airport terminal. Some conservatives may be concerned that this adds a new regulation to airlines.

**Compensation of Boarding Denials:** The secretary is required to issue a final rule clarifying that there is no maximum level of compensation an air carrier may pay to a passenger who is denied boarding involuntarily as a result of an oversold flight and that an air carrier must offer to pay compensation, as opposed to waiting for the passenger to request such compensation.

**Actual Flight Times:** The secretary is required to conduct a study on the feasibility of modifying regulations to ensure that passengers receive the actual flight times for flights when requesting information about a reservation.

**Air Ambulance Advisory Committee:** The secretary is required to establish an air ambulance industry advisory committee. The committee issues rule-making recommendations for requiring operators to disclose air transportation services charges separately from non-air transportation services on invoices and bills.

**Air Ambulance Complaints:** The bill includes air ambulances under [49 U.S.C. 42302](#), which requires the secretary to establish a consumer complaints toll-free hotline. Air ambulance operators are required to include the hotline number on any invoice, bill or other communication to the passenger or customer. Some conservatives may be concerned that this adds a new regulation to airlines.

**Passenger Rights:** The bill requires the secretary to obtain a 1-page passenger rights document from each air carrier. The document must include guidelines related to voluntary bumping due to overbooking, involuntary bumping for any reason, and compensation for flight delays, cancellations and mishandled baggage. The document must be made available on the air carrier's website.

## **Subtitle B**

**Select Committee for Aviation Consumers with Disabilities:** The secretary is required to establish a select subcommittee for passengers with disabilities. One year after the committee is established, the committee is required to submit a report to the [Advisory Committee for Aviation Consumer Protection](#) and the secretary, which must then be submitted to Congress, with recommendations regarding access barriers, and consumer protection improvements related to the travel experience.

**Study on Passengers with Disabilities:** The bill requires the Comptroller General to conduct a study related to best practices and training policies in regards to disabled passengers.

**Study on In-Cabin Wheelchair Restraints:** The secretary, in consultation with various stakeholders, is required to conduct a study on the feasibility of using in-cabin wheelchair restraint systems. The secretary is required to submit a report to Congress on the study's findings.

**Access Advisory Committee:** The secretary is required to publish a rule in regards to in-flight entertainment for passengers with disabilities, accessible lavatories and service animals. Some conservatives may be concerned that this results in a new regulation to airlines.

## **Subtitle C**

**Essential Air Service Authorization:** The bill reauthorizes the Essential Air Service at the following amounts:

- FY18: \$153 M
- FY 19: \$156 M
- FY 20: \$159 M
- FY21: \$162 M
- FY22: \$165 M
- FY23: \$168 M

This program heavily subsidizes flights to and from rural areas—often at a cost of several hundred dollars per passenger. Congress has debated eliminating this program for years. Many conservatives believe the federal government should not be borrowing money to provide air service to areas of the country where the market will not support it. The Essential Air Service program is recommended for elimination in the [RSC Budget](#).

**Mileage Adjustment Eligibility:** The bill extends the mileage adjustment final order under [49 U.S.C. 41731](#) through FY23.

**Essential Air Service Reform:** The Comptroller General is required to conduct a study on Essential Air Service reform and submit a report to Congress. The study must include information on the effectiveness and budgetary saving of reforms made to the Essential Air Service program in the last five years.

**Small Community Air Service:** Under currently law, communities are only allowed to participate in the Small Community Air Service Development Program in support of the same project once. The bill allows communities to participate again after ten years have passed. The bill requires the secretary give priority to communities that are seeking to restore air service that has been terminated. Some conservatives may be concerned that this allows communities to participate in support of the same project multiple times.

The Small Community Air Service program is reauthorized at \$10M for FY18-FY23; \$4.8M of which must be used to carry out the Regional Air Transportation Pilot Program established by the bill.

**Regional Air Transportation Pilot Program:** The bill establishes a regional air transportation pilot program to provide federal grants to states and local government in an effort to provide affordable air service for underserved communities. The secretary is required to prioritize applications for areas with above average air fares, and that are more likely to be self-sustaining at the end of their participation in the program. The federal share of financial assistance must be below 50%. The program sunsets at the end of FY22. This program replaces a similar program established under [49 U.S.C. 41736](#).

Some conservatives may feel this is not an appropriate function of the federal government.

## TITLE V

**FAA Strategic Cybersecurity Plan Review:** The bill requires the FAA to review the comprehensive and strategic aviation framework required by [49 U.S.C. 44903](#). The administrator must then modify the framework, as appropriate, and submit a report to Congress.

**FAA Services and Facilities Consolidation:** The bill amends the report requirements established under [49 U.S.C. 44501 note](#). The report no longer includes supporting the NextGen transition as a purpose of the report.

**FAA Review and Reform:** The FAA administrator is required to submit a report to Congress that details the consolidating of or removal of duplicative programs or positions, eliminating wasteful or obsolete practices, streamlining inefficient processes and reforming outdated policies. In addition, the FAA must conduct a similar report 18 months after enactment, take actions to address the findings, and submit a report to Congress on those actions.

**Aviation Fuel:** The bill allows the FAA to use of an unleaded aviation gasoline in aircraft if the FAA develops a process to ensure safety. In addition, it states the sense of Congress that the [Piston Aviation Fuels Initiative](#) should work to find an unleaded aviation gasoline before 2024.

**Right to Privacy:** Requires the FAA to block the aircraft's registration for noncommercial flights by request.

**Air Shows:** Requires the FAA to work with air shows, the general aviation community, and large outdoor events and venues to resolve scheduling conflicts resulting from flight restrictions.

**Part 91 Reform:** Requires the FAA to establish a taskforce to recommend regulatory streamlining of part 91, small noncommercial aircraft, in the general aviation industry. The FAA must submit a report to Congress within 1 year of enactment on the results of the study. The recommendations must be implemented within 18 months of enactment.

**Aircraft Registration:** Requires the FAA to initiate rulemaking to increase noncommercial general aviation aircraft registrations to 10 years.

**Transportation of Lithium Batteries:** Requires the secretary to: (1) ensure that shippers of lithium batteries comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions; (2) encourage training programs in foreign countries that ship substantial amounts of lithium batteries; and, (3) work and share information with federal, regional and international transportation agencies to ensure enforcement of regulations and instructions. The bill requires the secretary to establish a lithium battery air safety advisory committee. The bill requires limited exceptions for medical device batteries. In addition, the secretary is required to conform federal regulations with the ICAO Technical Instructions within 30 days of enactment.

**Remote Tower Pilot Program:** The secretary is required to establish a pilot program to install and operate remote ATC towers in small rural communities. The program would be available to 7 airports. Prior to operation of remote ATC towers, a safety risk management panel must be convened to address any of the tower's safety issues. The pilot program sunsets 3 years after enactment.

**Oceanic Operations:** Requires the secretary to make a final implementation decision on the [NextGen initiative](#) for a reduced oceanic separation capability.

**Women in Aviation:** Expresses the sense of Congress that the aviation industry should support female aviators.

**Obsolete Test Equipment:** Requires the FAA to submit a report to Congress on the [National Test Equipment Program](#).

**Shared Flight Expenses:** Requires the FAA to make publically available guidance in regards to when pilots can share flight expenses with passengers.

**Part 135 Pilot Rest and Duty Rules:** Requires the FAA to convene an aviation rule making committee to make recommendations regarding changes to pilot rest and duty rules for small commercial aircraft.

**DC Metro Area Airports:** Requires the Inspector General to submit a progress report on the implementation of the recommendations made to the Metropolitan Washington Airports Authority in regards to the last Inspector General audit.

**Terminal Aerodrome Forecast:** Requires the FAA to allow an air carrier to operate to or from a noncontiguous State without a Terminal Aerodrome Forecast or Meteorological Aerodrome Report if there is a current area forecast and the location is under visual meteorological conditions. The carrier is required to have approved dispatch or release procedures and enroute weather evaluation, and operate under instrument flight rules.

**FAA Employees on Guam:** Expresses the sense of Congress that FAA employees should have access to DOD hospitals, commissaries and exchanges on Guam.

**State Taxation:** Prohibits states from collecting taxes or fees on any business at a commercial service airport unless the revenue is used exclusively for airport or aeronautical purposes. Some conservatives may feel this encroaches upon state authority.

**Civil Supersonic Aircraft:** Requires the FAA to review and update regulations regarding civil supersonic aircraft. Supersonic flight over the United States has been [banned](#) by the FAA since 1973.

**Oklahoma Registry Office:** Designates the Oklahoma Registry Office as an exception during government shutdowns and emergencies.

**United States-European Union Air Transport Agreement:** Prohibits the secretary from issuing permits to foreign air carriers to or exemptions to the permitting requirement under the [United States-European Union Air Transport Agreement of April 2007](#) if the carrier is in violation of high labor standards unless the secretary imposes conditions to ensure those standards are met. In addition, when evaluating foreign air carrier permit applications, the secretary must consider the criteria set forth in [49 U.S.C. 40101\(a\)](#), which includes: (1) ensuring safety; (2) providing economic and efficient services; (3) encouraging entry into markets by new and existing carriers; (4) providing low prices; (5) strengthening competition; and, (5) ensuring all regions, including rural areas, have access to affordable and regular service. The public interest criteria under [49 U.S.C. 40101\(a\)](#) are amended by the bill to include preventing entry by flag of convenience carriers. The bill also requires the Secretaries of State and Transportation to include preventing the erosion of labor standards associated with flag of convenience carriers when formulating a negotiation policy when formulating international air transportation policy. Some conservatives may be concerned that this burdens foreign air carriers from entering U.S. markets.

**Human Trafficking:** Requires air carriers to provide training on human trafficking to ticket and gate agents and others who regularly interact with customers. Some conservatives may be concerned this adds a new regulation to airlines.

**Drone Waivers:** the bill requires the FAA Administrator to issue waivers under [107.205](#) of title 14, Code of Federal Regulations to those operating drones from a moving vehicle or aircraft for compensation and to those operating drones without visual line of sight for compensation if the drone is not transporting another person's property. The FAA administrator is also be required to publish examples of approved safety justifications.

**Electronic Cigarettes:** Prohibits the use of electronic cigarettes on flights. Some conservatives may feel this is not an appropriate area for the federal government to regulate and instead should be left up to the individual airlines.

**Large Ticket Agent Consumer Protection:** requires the secretary to issue a final rule requiring the adoption of minimum customer service standards for ticketing agents with revenue exceeding \$100 million annually. The secretary must consider establishing standards for: (1) providing prompt refunds; (2) allowing a person to hold reservation for free for at least 24 hours; (3) disclosing cancellation policies; (4) notifying a customer in a timely manner of itinerary changes; and, (5) responding promptly to complaints. Some conservatives may feel this is not an area for the federal government to regulate, and the free market should decide if these standards should be implemented.

**FAA Data Transparency:** The bill requires the FAA and the Chief Operating Officer of the Air Traffic Organization calculate, for 15 different segments of air traffic services users, the total costs allocable to the use of air traffic services for the most recent fiscal year, and the total revenues received. Additional segments may be included by the Secretary of Transportation.



Within 3 months the Inspector General (IG) must then evaluate the model used to make the above calculations. If the IG finds the model used was invalid, the IG must provide recommendations on how to revise the model and the new model must be used to amend the calculations. A report must also be submitted to Congress with the results of the calculations.

This model must then be used to produce the calculations beginning no later than March, 2019, and biennially for 8 years. A report of the calculations must then be submitted to Congress and the results must also be published.

**Agency Procurement:** Requires the secretary to submit a report to Congress on the dollar amount of agency procurement from manufacturers outside of the U.S.

**Zero-Emission Vehicles:** Allows PFCs or AIP grants to be used to finance projects to convert to acquire zero-emission vehicles and equipment. AIP grants could also be used to install a back-up electricity microgrid. The bill also strikes [49 U.S.C. 47136](#), the Inherently Low-Emission Airport Vehicle Pilot Program. The bill further amends [49 U.S.C. 47136a](#) to establish a pilot program providing grants to at least 10 public-use airports acquiring zero-emission vehicles.

**Employee Assault Prevention:** Requires regional and major air carriers to submit an employee assault prevention and response plan to the FAA, which includes recurring training for all employees. Some conservatives may be concerned this adds a new regulation to airlines.

**Customer Facing Employees:** Requires the secretary to conduct a study on the training received by customer facing employees, including dispute management training. The secretary must then submit a report to Congress.

**Minimum Seat Dimensions:** Requires the FAA to issue regulations establishing minimum seat dimensions for passenger seats. The regulations must include minimums for seat pitch, width and length. Some conservatives may be concerned this adds a new regulation, and this should be left to individual airlines to compete for passenger fares.

**Ground Transportation Options Study:** Requires the Comptroller General to conduct a study at the 10 busiest airports to assess whether or not it is appropriate to use passenger facility charges to address traffic congestion and to understand the impact of new airport transportation options.

## TITLE VI – Disaster Recovery Reform Act

The bill amends the Stafford Act ([42 U.S.C. 5121 et seq.](#)). The following changes apply to all major disasters and emergencies declared after August 1, 2017. The bill includes provisions based upon the Disaster Recovery Reform Act (DRRA). The focus of the DRRA is on expanding the available uses of federal disaster assistance efforts, including for mitigation efforts to reduce the impact of potential natural disasters. Additional background from the Transportation and Infrastructure Committee can be found [here](#).

**Wildfire Prevention:** The bill amends [42 U.S.C. 5187](#) to allow the president to provide hazard mitigation assistance for any area affected by a fire and receiving assistance under the same section, whether or not a major disaster is declared. This allows areas to also receive funds for hazard mitigation under [42 U.S.C. 5170c](#) and increased federal funds for having a hazard mitigation plan under [42 U.S.C. 5165](#). The administrator of the Federal Emergency Management Agency (FEMA) must submit an annual report to Congress with a summary of projects within 1 year of enactment.

**Hazard Mitigation Assistance:** Amends [42 U.S.C. 5170c](#) to specify the types of activities that hazard mitigation assistance may be used for.

**Building Code Implementation and Enforcement:** Allows the president to make contributions to pay extra hires to implement and enforce building codes for 180 days after the major disaster is declared.

**Repair and Replacement of Damaged Facilities:** Current [law](#) allows for state and local governments to accept an in-lieu contribution of 90 percent of the federal share of the federal estimate of the cost of repairing or replacing a public facility destroyed by a major disaster if the state or local government deems the public welfare is not be best served by repairing or replacing the damaged facility. The funds may be used to repair or expand other facilities, construct new facilities or fund hazard mitigation measures. The bill increases the in-lieu contribution from 90 percent to 100 percent of the federal share. The same program is available to those who own nonprofit facilities and current law provides 75 percent of the federal share for the same purposes. The bill increases the contribution to 100 percent of the federal share. Some conservatives may be concerned that this increases funds to state and local governments or private nonprofits for buildings that were not affected by a major disaster.

**Public Assistance Program Alternative Procedures:** The president is prohibited from conditioning federal assistance with the state or local government's participation in the alternative procedures for providing major disaster assistance codified under [42 U.S.C. 5189f](#).

**FEMA Guidance:** FEMA is required to provide guidance on the need to prioritize hospitals and long-term care facilities during power outages and, with the Federal Highway Administration, guidance regarding the identification of evacuation routes.

**Benefit Duplication:** Current law, as codified under [42 U.S.C. 5155](#), prohibits entities and individuals from receiving disaster assistance if they are already receiving financial assistance under another federal program or from insurance. The bill allows the president to waive this prohibition upon request of the governor if the president finds the waiver is in the public interest and would not result in waste or abuse. Loans will not be considered duplicative if all of the federal funds will be used toward a disaster-related loss. Some conservatives may be concerned this could allow for entities and individuals to receive federal funding from multiple sources.

**Funding of Water Resources Development (WRDA) Projects:** Allows hazard mitigation funding ([42 U.S.C. 5170c](#)) to be used towards certain previously authorized WRDA projects. Funding provided through this program will count toward the federal share of the project. This does not affect cost share requirements and applies to disasters declared after January 1, 2016.

**Housing Assistance to State and Tribal Governments:** Allows the governor to request a federal grant to cover direct housing assistance, permanent housing construction or financial assistance to address other needs. Current law only allows the governor to request a financial assistance grant. The state or tribal government must submit an application that demonstrates the state or tribal government meets certain criteria. The president must institute policies to prevent waste fraud and abuse. The bill also requires periodic audits and reports to Congress. The bill allows FEMA to waive notice and comment rulemaking in order to expedite the implementation of this section and is allowed to carry out this section as a pilot program until the rule is finalized. Some conservatives may be concerned that this expands how federal disaster assistance may be used.

**Assistance to Individuals and Households:** Current law limits the amount of financial assistance that may be received by an individual or household under [42 U.S.C. 5174](#) to \$25,000. This bill excludes amounts given to individuals or households to rent alternate housing and exclude financial assistance to cover medical, dental, child care, funeral expenses, personal property, transportation, and other necessary expenses in the \$25,000 limit calculation. A second \$25,000 limit applies to financial assistance to cover medical, dental, child care, funeral expenses, personal property, transportation, and other necessary expenses. These limits do not apply to expenses to replace accessibility-related improvements or personal

property for those with disabilities. Some conservatives may be concerned that this could result in a substantial increase in the amount of federal assistance that is received by individuals and households.

**Temporary Housing Assistance:** [42 U.S.C. 5174](#) allows for the federal government to lease multifamily rental properties in a major disaster declaration area and make improvements to the property to provide safe and adequate housing. Current law requires the value of the repairs to be deducted from the value of the lease agreement and caps the repairs and improvements at the value of the lease. The bill, however, removes this cap, allowing the federal government to make repairs and improvements beyond the value of the lease. Some conservatives may be concerned that this results in no monetary limit to the repairs and improvements that the federal government may fund to make a property “safe and adequate”.

The bill also allows the federal government to lease rental properties that are impacted, but not located within an area covered by a major disaster declaration, to provide temporary housing. The inspector general is required to assess the use of the direct assistance temporary housing program to justify its use and submit a report to Congress.

**Management Costs:** Establishes fixed rates for reimbursing state and local government for administrative costs. The rate for hazard mitigation is 15 percent of the total grant, with 10 percent used by the grantee, and 5 percent by the subgrantee. For public assistance, 12 percent of the total grant, with 7 percent used by the grantee and 5 percent by the subgrantee. Current [law](#) requires the president to establish management cost rates.

**Waiver of Debts Owed if Disbursed in Error:** Allows FEMA to waive a debt owed to the federal government if the money was disbursed based on an error made by FEMA at no fault of the debtor if the collection of the debt would be against equity and good conscience. The debt may not be waived if the debt involved fraud or misrepresentation. The inspector general of the Department of Homeland Security (DHS) must monitor the percentage of assistance distributed in error. Should the rate exceed 4 percent, the waiver authority is revoked.

**Emergency Management Performance Grants Program:** Reauthorized the emergency management performance grants program at \$950M for fiscal years 2018-2022. The program’s authorization was previously allowed to expire in 2012.

**National Veterinary Emergency Teams:** FEMA is allowed to establish national veterinary emergency teams at accredited veterinary colleges. The teams: (1) assist with care of canine search teams, locating and treating animals, and surveilling zoonotic diseases, (2) recruit, train and certify veterinary professionals to plan and respond to emergencies; (3) assist state and local governments and nonprofits in developing emergency management and evacuation plans that take animals into account; and, (4) coordinate with certain agencies and state and local governments to veterinary and health care professionals and volunteers.

**Dispute Resolution Pilot Program:** Renews the dispute resolution pilot program codified under [42 U.S.C. 5189a note](#) through 2022. The program originally sunset in 2015.

**Unified Federal Environmental and Historic Preservation Review:** Requires FEMA to review the [Unified Federal Environmental and Historic Preservation Review](#) required by [42 U.S.C. 5189g](#) and submit a report to Congress on how the review has expedited the review process and include recommendations for further actions. FEMA is required to implement the regulations within 2 years.

**Closeout Incentives:** Adds a section to [42 U.S.C. 5205](#) allowing FEMA to develop incentives and penalties to encourage state and local governments to close out disaster expenditures on a timely basis.

**Performance of Services:** Allow FEMA to appoint employees in the agency in the same way as a competitive service employee if the candidate has served in the agency as a temporary employee for three years.

**Streamline and Consolidate Information Collection:** Requires FEMA to conduct a study and develop a plan to streamline and simplify the collection of information form applicants and grantees.

**Agency Accountability:** Requires FEMA to publicly disclose each grant and contract over \$1 million.

**Contract Audits:** Prohibits FEMA from reimbursing a state or local government or nonprofit owner for any activities pursuant to a contract made after August 1, 2017 that prohibits FEMA or the comptroller general of the U.S. from auditing or reviewing the all aspects of the contract.

**Puerto Rico and Virgin Islands Audit:** Requires the DHS’s inspector general to audit FEMA’s contracts for traps and plastic sheathing used for Puerto Rico and the U.S. Virgin Island’s response to Hurricanes Irma and Maria.

**Relief Organization:** Allows FEMA to enter into agreements with long-term recovery groups and domestic hunger relief groups to coordinate with disaster response, as it can with other relief organizations

**Inundated and Submerged Roads:** Requires FEMA and the Federal Highway Administration to issue guidance to state and local governments regarding the replacement and repair of roads damaged by disasters.

**Recoupment Prohibited:** Prohibits FEMA from recouping covered assistance that was received over 3 years ago unless there is evidence of fraud.

**Local Impact:** Requires FEMA to give weight and consideration to the severe impact of multiple disasters when recommending a major disaster declaration.

**Unobligated Amounts:** Allows the president to withdraw amounts made available to state and local governments that have not been obligated by the end of the third fiscal year.

## TITLE VII

### Subtitle A

The bill reauthorizes from the Airport and Airway Trust Fund the following amounts for Safety Research and Development:

Total for FY18: \$181 M

- \$128.5 M for Safety Research and Development programs
- \$26 M for Economic Competitiveness Research and Development programs
- \$20 M for Environmental Sustainability Research and Development programs
- \$6.5 M for Mission Support programs

Total for FY19: \$186 M

- \$131 M for Safety Research and Development programs
- \$28 M for Economic Competitiveness Research and Development programs
- \$20 M for Environmental Sustainability Research and Development programs
- \$7 M for Mission Support programs

Total for FY20: \$190 M

- \$133.5 M for Safety Research and Development programs
- \$29 M for Economic Competitiveness Research and Development programs
- \$20 M for Environmental Sustainability Research and Development programs
- \$7.5 M for Mission Support programs

Total for FY21: \$195M

Total for FY22: \$200 M

Total for FY23: \$204 M

The bill prohibits the authorization for Environmental Sustainability Research and Development programs unless the full amount of the other three categories has been appropriated for that year. The bill also prohibits the Office of the Administrator authorization unless the [National Aviation Research Plan](#) has been submitted to Congress prior to the president's budget request to Congress for that fiscal year.

### **Subtitle B**

**Associate Administrator for Research and Development:** The FAA Administrator is required to appoint an Associate Administrator for Research and Development to manage and oversee all FAA R&D programs and produce all R&D Congressional reports.

**Research Advisory Committee:** The bill requires the Research Advisory Committee under [49 U.S.C. 44508](#) to provide advice and recommendations to Congress, instead of just the FAA. In addition, the FAA Administrator is required to respond to all of the Research Advisory Committee's recommendations and include the recommendations, along with implementation updates, in the National Aviation Research Plan.

### **Subtitle C**

**Drone R&D Roadmap:** The bill prohibits the authorization of funds unless the unmanned aircraft systems roadmap currently codified under [49 U.S.C. 40101](#) has been submitted to Congress for that fiscal year.

**Probabilistic Metrics:** The bill requires the FAA to commission an independent study to establish parameters for probabilistic metrics R&D and submit a report to Congress.

**Probabilistic Assessment of Risks:** The Administrator must also conduct R&D to create a probabilistic assessment of risks for creating operating standards for drone certification.

**Drone Collision Research:** The FAA Administrator must coordinate with NASA to test drone collisions with manned aircraft and submit a report to Congress.

**Special Rule for R&D:** The bill prohibits the FAA from regulating drones that are flown for R&D purposes and less than 400 feet.

**Beyond Line-of-Sight R&D:** The bill requires the drone pilot project established under section 332(c) of [49 U.S.C. 40101 note](#) to allow for beyond line-of-sight operations.

### **Subtitle D**

**Cyber Testbed:** The FAA Administrator is required to develop a Cyber Testbed for R&D of ATC modernization programs before they enter the national airspace system.

**Cabin Cybersecurity Vulnerabilities:** The bill requires the FAA to determine the R&D needs for cybersecurity vulnerabilities of cabin communications, entertainment and information technology systems and submit a report to Congress.

**Cybersecurity Threat Modeling:** The FAA is required to consult with the National Institute of Standards and Technology (NIST) to create an internal FAA cybersecurity threat modeling system, to be updated every 5 years, and submit a report to Congress.

**NIST Cybersecurity Standards:** The bill requires the FAA to consult with NIST to submit a cybersecurity standards plan to Congress.

**Cybersecurity Research Coordination:** The bill requires the FAA to cooperate with international air traffic management organizations, including the European Aviation Safety Agency, the United Kingdom Civil Aviation Authority, Nav Canada, and Airservices Australia on cybersecurity R&D.

**Cybersecurity R&D Program:** The FAA is required to establish an R&D program to improve the cybersecurity of civil aircraft and the national airspace system.

### **Subtitle E**

**New Technologies Research Plan:** The bill requires the FAA Administrator to submit a research plan for the certification of new technologies to Congress. The plan must include cost estimates and timelines.

**Aviation Fuel R&D and Usage:** The bill allows the FAA Administrator to conduct R&D and service testing to allow unleaded gas in aircraft.

**Air Traffic Surveillance Over Oceans:** Requires the FAA Administrator to consult with NASA to create an R&D program on civilian air traffic surveillance over oceans and other remote locations and create a pilot program to test and evaluate the integration of this equipment into the national airspace system.

**Single-Piloted Commercial Cargo Aircraft:** The FAA is required to consult with NASA and relevant agencies to establish and R&D program in support of single-piloted commercial cargo aircraft assisted with remote and computer piloting.

**Electromagnetic Spectrum R&D:** The bill requires the FAA to develop a program to research the use of electromagnetic spectrum in civil aviation.

## **TITLE VII**

The bill reauthorizes expenditure authority from the Airport and Airway Trust Fund and the aviation taxes that fund the Airport and Airway Trust Fund.

**Airport and Airway Trust Fund:** Renews general expenditure authority for the Airport and Airway Trust Fund and aviation taxes funding the Airport and Airway Trust Fund through September 30, 2023. The fuel surtax for fractional ownership programs are only renewed through FY 2021.

### **AMENDMENTS MADE IN ORDER:**

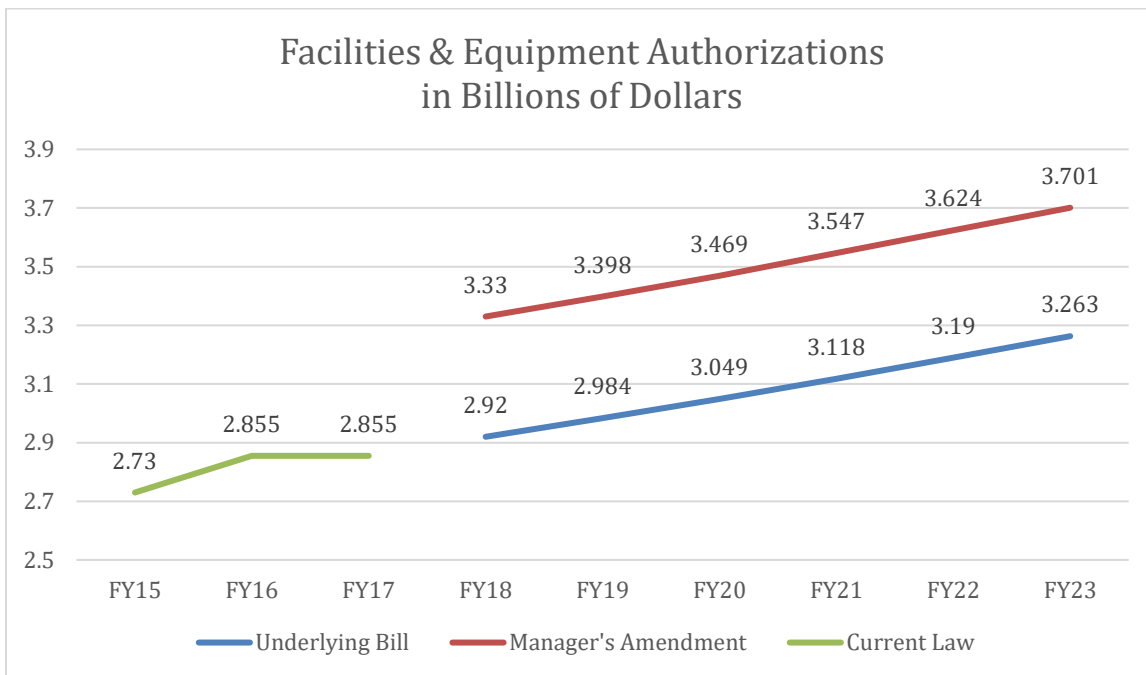
1. [Shuster \(R-PA\)](#): The amendment would make a number of changes to the underlying bill.



The amendment would increase the authorization for the FAA’s Facilities and Equipment account. The underlying bill allows the amounts to be used to implement and upgrade the automated surface observation system/automated weather observing system. The new language would allow for funds to also be used for: (1) the acquisition and construction of remote air traffic control towers; (2) the elimination of air traffic control system’s cybersecurity vulnerabilities; (3) the construction of facilities dedicated to improve the National Airspace System’s cybersecurity; (4) Data Communications program systems; (5) the infrastructure, sustainment, and elimination of the maintenance backlog; (6) the modernization of the Civil Aviation Registry; (7) the construction of Priority 1 National Airspace System facilities; and, (8) cost-beneficial construction rehabilitation, or retro fitting programs designed to reduce FAA’s facility operation costs.

The amendment increases the authorization for the **FAA’s Facilities and Equipment** account as follows:

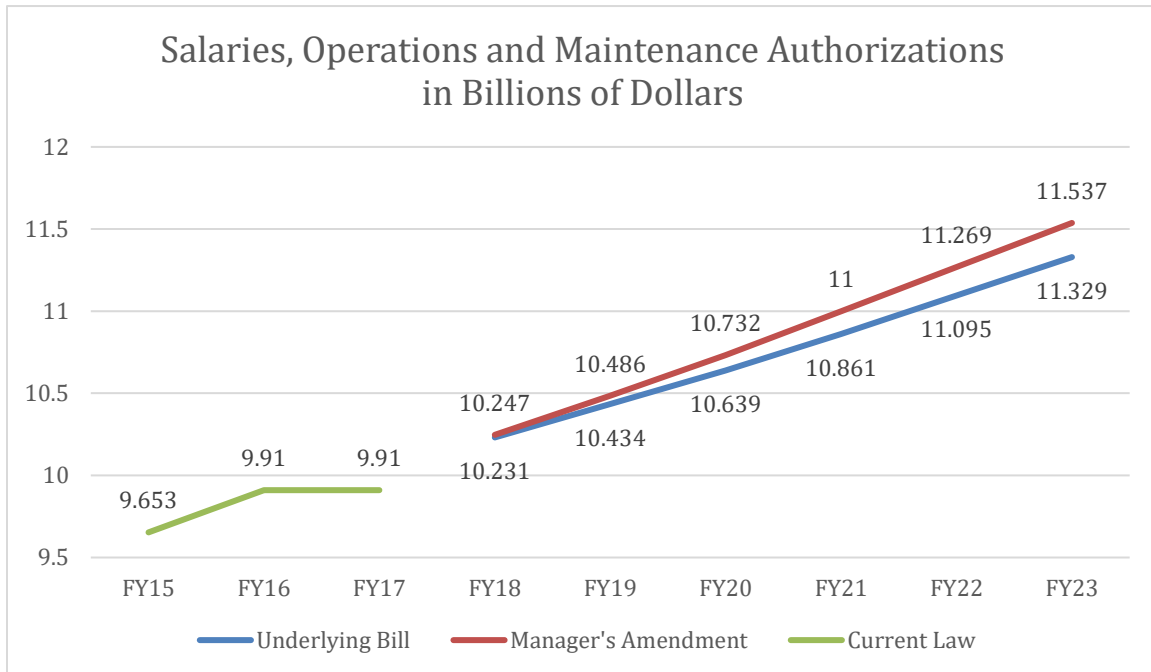
	<b>Underlying Bill</b>	<b>Manager’s Amendment</b>
FY18	\$2.920 B	\$3.330 B
FY19	\$2.984 B	\$3.398 B
FY20	\$3.049 B	\$3.469 B
FY21	\$3.118 B	\$3.547 B
FY22	\$3.190 B	\$3.624 B
FY23	\$3.263 B	\$3.701 B



According to the amendment sponsor, this increase in spending reflects the updated CBO baseline. The CBO baseline released on April 9, 2018, reflects the increased spending levels in the FY 2018 Omnibus. Some conservatives may be concerned would increase spending relative to the bill as introduced, and that this spending increase does not necessarily reflect a newfound need for increased spending since H.R. 4 was introduced on April 13, 2018.

The amendment also increases the **FAA’s Operations** account authorization as follows:

	<b>Underlying Bill</b>	<b>Manager's Amendment</b>
FY18	\$10.231 B	\$10.247 B
FY19	\$10.434 B	\$10.486 B
FY20	\$10.639 B	\$10.732 B
FY21	\$10.861 B	\$11.000 B
FY22	\$11.095 B	\$11.269 B
FY23	\$11.329 B	\$11.537 B



Out of the above operation's appropriation authorization, the amendment adds an authorization for commercial space transportation activities, as follows:

- FY18: \$22.587 M
- FY19: \$33.038 M
- FY20: \$43.500 M
- FY21: \$54.970 M
- FY22: \$64.449 M
- FY23: \$75.938 M

Some conservatives may be concerned that the amendment would increase authorized spending. The FY 2018 Omnibus appropriated the amount that would be authorized for FY 2018 by the bill.

**Airport Improvement Program:** The amendment allows the secretary to establish a program to administer supplemental discretionary grants through the Airport Improvement Program (AIP). Some conservatives believe these projects should be funded at the state level, and may be concerned with the increase in AIP funds.

- FY19: \$1.020 B
- FY20: \$1.041 B
- FY21: \$1.064 B
- FY22: \$1.087 B
- FY23: \$1.110 B

The amendment requires the Secretary of Transportation to establish a grant program for any purpose for which amounts are available under [49 U.S.C. 48103](#), which relates to airport planning and development and noise compatibility planning and programs.

The amendment includes acquitting or installing counter-unmanned aircraft systems in the definition of airport development, which would allow them to qualify for AIP funding.

The amendment removes a section that allows the FAA to accept funds from an applicant to facilitate the timely processing of certificates issued under [49 U.S.C. 44704](#).

The amendment requires the FAA, in coordination with the National Transportation Safety Board, to conduct a study on general aviation safety.

The amendment requires the FAA to begin a Call to Action safety review on airline engine safety and submit a report to congress.

The amendment requires aircraft operators with special airworthiness certificates in the experimental category to conduct a commercial space transportation support flight, and carry people and property for hire during that flight, in certain situations.

The amendment replaces the one air ambulance operator on the air ambulance committee with three representatives representing segments of the air ambulance industry.

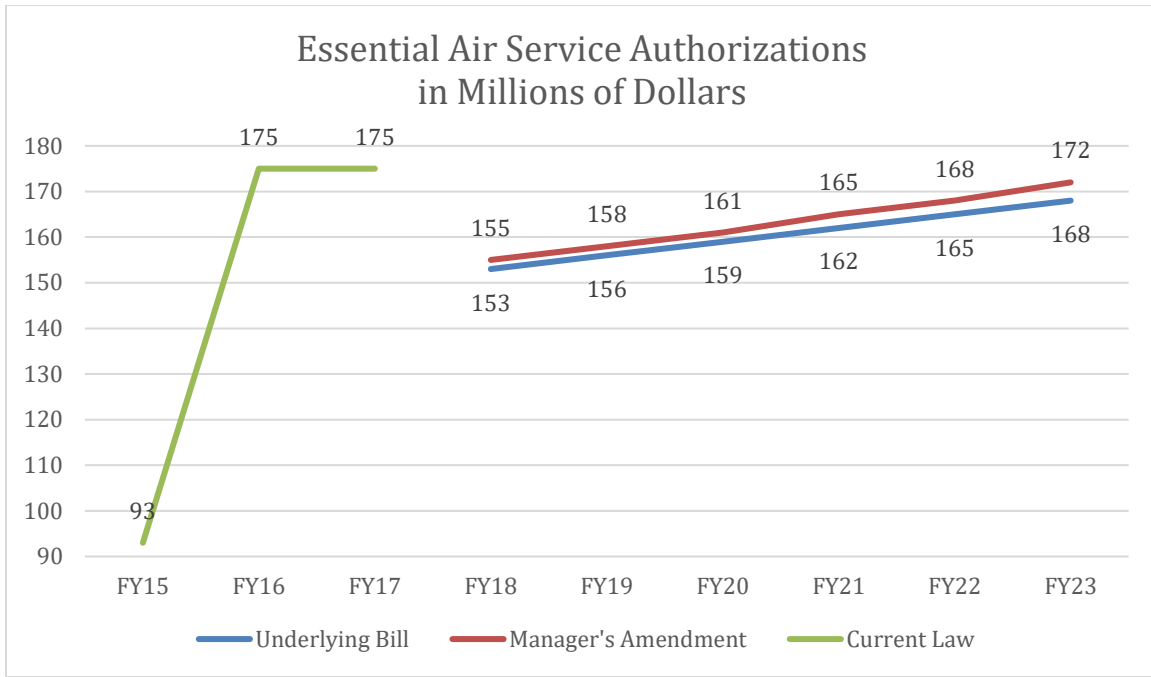
The amendment requires air carriers to provide flight attendants with training on how to deal with allegations of sexual misconduct. The secretary must also establish a sexual misconduct incident working group.

The amendment requires the secretary to develop an “Airline Passengers with Disabilities Bill of Rights”. In the case of a violation of the “Airline Passengers with Disabilities Bill of Rights”, a civil penalty amounting to up to three times the maximum civil penalty may be assessed if the violation results in injury to a passenger with a disability or damage to the person’s wheelchair or other mobility aid.

The amendment requires the secretary to conduct a rulemaking proceeding to define the term service animal, and to develop minimum standards for what is required for service and emotional support animals in aircraft cabins.

The amendment increases the authorization for appropriation for the Essential Air Service as follows:

	<b>Underlying Bill</b>	<b>Manager’s Amendment</b>
FY18	\$153 M	\$155 M
FY19	\$156 M	\$158 M
FY20	\$159 M	\$161 M
FY21	\$162 M	\$165 M
FY22	\$165 M	\$168 M
FY23	\$168 M	\$172 M



The Essential Air Service heavily subsidizes flights to and from rural areas—often at a cost of several hundred dollars per passenger. Congress has debated eliminating this program for years. Many conservatives believe the federal government should not be borrowing money to provide air service to areas of the country where the market will not support it. The Essential Air Service program is recommended for elimination in the [RSC Budget](#).

According to the amendment sponsor, this increase in spending reflects the updated CBO baseline. The CBO baseline released on April 9, 2018, reflects the increased spending levels in the FY 2018 Omnibus. Some conservatives may be concerned would increase spending relative to the bill as introduced, and that this spending increase does not necessarily reflect a newfound need for increased spending since H.R. 4 was introduced on April 13, 2018.

The amendment prohibits the FAA from realigning or consolidating a TRACON tower with an FAA radar facility in certain circumstances.

The amendment requires the secretary to enter into an agreement with the Secretary of Defense to allow FAA employees and their dependents access to Department of Defense (DOD) hospitals, and to provide payments from FAA to DOD to cover administrative costs.

The amendment requires the FAA to allow an aircraft owner or operator to accept donations for a flight operated by a living history flight experience provider under certain circumstances.

The amendment establishes minimum qualifications for the Chief Operation Officer of the air traffic control system.

The amendment establishes the Chief NextGen Officer with the Chief Technology Officer.

The amendment requires the secretary to direct the FAA and the COO to implement specific inter-agency coordination policies.

The amendment requires the FAA to upgrade the Administration's Civil Aviation Registry and to impose a surcharge that may not exceed two times the maximum aircraft registration fee.

The amendment requires the FAA to revise [14 CFR 121.333\(c\)\(3\)](#) so that it only applies to flight altitudes above flight level 410.

The amendment requires the Department of Transportation's inspector general to audit the Administrative Services Franchise Fund.

The amendment requires the FAA's COO to submit to Congress a report describing the FAA's effort to modernize the air transportation system.

The amendment repeals the provision requiring the FAA to initiative a rulemaking procedures to issue regulations relating to ADS-B In technology.

The amendment requires the FAA to establish a Youth Access to American Jobs in Aviation Task Force.

The amendment amends the pilot program on private ownership of airports (renamed the airport investment partnership program), which is currently only available to 10 airports, to all airports. The amendment limits the grants under this section to \$750,000 per application. Some conservatives may be concerned that this would expand a federal grant program.

The amendment requires the secretary to establish an advisory panel to evaluate the FAA's personal management system and performance management program for employees that are not unionized.

The amendment extends the prohibition on ending the contract weather observer program at any airport until 2023.

The amendment requires the secretary to define the roles of the [William J. Hughes Technical Center](#) in a manner consistent with the roles as codified under [49 U.S.C. 44507](#).

### **COMMITTEE ACTION:**

H.R. 4 was introduced on April 13, 2018 and referred to the House Committees on Transportation and Infrastructure, Financial Services, Ways and Means, Science, Space, and Technology, and Natural Resources. The committee has taken no further action on the bill. Additional information provided by the Committee on Transportation and Infrastructure can be found [here](#).

H.R. 2997, the 21<sup>st</sup> Century AIRR Act, was the original FAA reauthorization introduced by Chairman Bill Shuster. H.R. 4 removed the portions of H.R. 2997 that would have created a not-for-profit organization to manage air traffic control purposes, but is otherwise very similar to H.R. 2997. H.R. 2997 was reported from the Committee on Transportation and Infrastructure on September 27, 2017, by a vote of 32-25. The report accompanying the bill (H. Rept. 115-296) can be found [here](#).

H.R. 4 also includes H.R. 4460, the Disaster Recovery Reform Act (DDRA), introduced by rep. Lou Barletta. The bill was marked up in the Committee on Transportation and Infrastructure on November 30, 2017, and reported by voice vote. The bill was then attached to H.R. 4667, which would have made supplemental appropriations for disaster assistance for Hurricanes Harvey, Irma, and Maria. The bill passed the House floor on December 21, 2017 by a vote of [251-169](#). The hurricane disaster assistance was eventually passed through another legislative vehicle but DRRRA was not included. The RSC's legislative bulletin for H.R. 4467 can be found [here](#).

*Additional amendments will be described in a future Legislative Bulletin.*

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

According to the bill’s sponsor: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, and Clause 18.”

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**NOTE:** *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*