

TO: AIRPORT COMMISSION

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SUBJECT: LEGISLATIVE UPDATE

DATE: October 25, 2019

FEDERAL

The Federal Government is currently funded by a continuing resolution until November 21, 2019, as they continue to work on appropriation items. None of the 12 regular FY 2020 appropriations bills have been signed into law to date, and House and Senate negotiators have not yet agreed on how to fund the government. Senate Appropriations Chairman Richard Shelby (R-AL) said that negotiations over FY 2020 appropriations bills are in a "prolonged slump." Given that Congress may not be able to pass the funding bills by the deadline, they will either need to pass another continuing resolution or risk another Federal Government shutdown.

The current version of the Senate Department of Transportation appropriation bill includes \$3.8 billion for the Airport Improvement Program, including \$3.35 for the regular program and \$450 million in additional discretionary funding. A similar bill in the House provides for \$500 million in additional discretionary funding.

UAS Mitigation at Airports

The Blue Ribbon Task Force on UAS Mitigation at Airports released its final report, which urges federal aviation agencies in the United States and Canada to move forward with a remote identification requirements and address key safety and security vulnerabilities associated with unauthorized unmanned aircraft system (UAS) operations on or near airports.

These recommendations urge action to address these vulnerabilities, emphasize the need for sufficient funding and resources for UAS detection, tracking, and interdiction, and propose deputization of local law enforcement agencies – providing local law enforcement officers with the authority to interdict UAS that pose threats to airports. Details about the report are available at: <https://uasmitigationatairports.org/>.

Homeland Security Appropriations

The Senate Subcommittee on Homeland Security Appropriations has been marking up the Fiscal Year 2020 funding measure for the U.S. Department of Homeland Security. The bill includes funding for 119 new CBP officers, 5 new CBP agriculture specialists, 1090 new TSA screeners, and 237 new computed tomography machines for TSA checkpoints. It also would maintain

funding for the law enforcement officer (LEO) reimbursement program, TSA staffing of exit lanes, 1097 explosive detection canine teams, and 31 Visible Intermodal Prevention and Response (VIPR) teams. The bill also would provide \$40 million to continue reimbursing airports for in-line baggage screening systems they installed after 9/11.

PFAS Debate Continues

The House passed the defense authorization bill (H.R. 2500), which would designate PFAS as a hazardous material under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Since airports are required by federal regulation to use firefighting foam that contains PFAS, airports are trapped in the middle and are urging lawmakers to provide airports with a liability exemption.

In addition, the House Energy and Commerce Subcommittee on Environment and Climate Change last month approved a separate free-standing bill (H.R. 535) that would also designate PFAS as a hazardous material under CERCLA.

Boeing 737 MAX

The European Union Aviation Safety Agency (EASA) recently stated that they will not simultaneously lift the grounding of the 737 Max jets in coordination with the FAA. EASA has coordinated its efforts with FAA testing and analyses of software fixes and flight-control computer changes, however they also intend to do some of their own independent simulator tests. The WSJ reports that this symbolically undercuts “the FAA’s stature among its international counterparts when it comes to certifying aircraft as safe. In a more concrete sense, [this] undermine[s] the FAA’s goal of securing the broadest possible global cooperation to vouch for the safety of the currently grounded fleet.”

STATE

Following the end of the first year of a 2-year legislative session, Sunday, October 13th marked the deadline for Governor Newsom to sign or veto bills. A total of 2,625 bills were introduced in the 2019 session. Of the bills introduced, 870 were signed into law and 172 were vetoed.

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

There are no updates at this time on these items.