

Washington Office
25 Massachusetts Ave. NW
Suite 500
Washington, D.C. 20001
(202) 789- 7850
Fax: (202) 789-7859

May 2024

MEMORANDUM

RE: FAA Reauthorization Act of 2024 (H.R. 3935)

Background

After months of negotiations, Congress has passed legislation to reauthorize the Federal Aviation Administration (FAA). The House of Representatives passed the bill, the FAA Reauthorization Act of 2024 (H.R. 3935), on May 15th with a 387-26 vote. The Senate approved the measure May 9th by an 88-4 vote.

The **\$105.5 billion package reauthorizes FAA programs through Fiscal Year (FY) 2028**. The legislation includes \$66.7 billion for FAA operations, \$17.8 billion for facilities and equipment, \$19.4 billion for airport infrastructure improvement grants, and \$1.6 billion for research, development, and engineering. Proposed compromise text for the FAA Reauthorization Act of 2024 was released by transportation leaders in the House and Senate in the early hours of April 29th. After sifting through a long list of proposed amendments to the compromise bill, the Senate passed the legislation and sent it to the House.

The FAA had been funded by a series of short-term extensions since September 30. The final legislation is the result of negotiations that have taken place over the past several months. While the House passed their version of the bill, the Securing Growth and Robust Leadership in American Aviation Act (H.R. 3935), last summer, progress was slower in the Senate. The Senate Committee on Commerce, Science, and Transportation approved their version of the bill, the FAA Reauthorization Act of 2023 (S. 1939), in February 2024.

Prior to the FAA Reauthorization Act of 2018, the FAA operated under a series of short-term authorizations, leading to costly delays in investment decisions. ASCE championed prompt, multi-year reauthorization as a key priority for the 118th Congress to prevent further uncertainty for any FAA programs or projects.

ASCE Position

ASCE commends Congress for passing the FAA Reauthorization Act of 2024, which offers reliable support for programs that are vital for the safety, growth, and resilience of our system. Since the beginning of the reauthorization process, ASCE expressed support for both the House-led Securing Growth and Robust Leadership in American Aviation Act and the Senate-led FAA Reauthorization Act of 2023. ASCE has gone on the record to support both the House and Senate bills and expressed support for the compromise legislation.

The nation's aviation infrastructure allows people to travel to their destinations, facilitates the movement of goods, and plays a key role in the nation's economy. Unfortunately, ASCE'S 2021 Report Card for America's Infrastructure graded the nation's aviation infrastructure a "D+." The compromise bill will offer reliable support for programs that are vital for the safety and resilience of our system and build on the investments included in the Infrastructure Investment and Jobs Act (IIJA). Specifically, the legislation addresses some of ASCE's key recommendations, such as improving resilience against potentially catastrophic events, increasing funding for the Airport Improvement Program, and supporting innovative technologies.

Bill Summary

Airport Funding

The bill increases Airport Improvement Program (AIP) funding to \$4 billion per year beginning in Fiscal Year (FY) 2025, a bump from the level of \$3.35 billion per year that has been in place since FY 2012. The AIP is the major airport investment program for the FAA and provides grants to the nation's airports for capital projects such as capacity enhancements, airfield and airport access improvements, facility enhancements to meet current design standards, and major aviation projects. Additionally, the bill replaces the current \$100 million annual authorization for AIP supplemental funding with a new \$200 million annual authorization level to fund airport resilience and runway safety projects. The bill authorizes the FAA to approve AIP grants for projects that use innovative financing techniques. It also expands an existing alternative project delivery program and allows for the FAA to approve AIP funds for use in such projects. The FAA was also authorized to establish a pilot program to award grants for integrated project delivery contracts.

While the bill does not remove the cap on the Passenger Facility Charge (PFC), it does reduce the amount of AIP funding a medium or large hub airport is required to turn back if it charges a PFC of \$4.50 from 75% to 60%.

ASCE Position

Protecting airport infrastructure funding by increasing AIP funding levels was one of ASCE's main recommendations to Congress. The strong support for the AIP program in the bill will help airports meet growing infrastructure needs. Before the COVID-19 pandemic, projections

indicated our aviation system was set to have a 10-year, \$111 billion funding shortfall¹. That gap has likely grown since the pandemic, which caused passenger volumes to drop precipitously. This funding dedicated to the AIP will help the aviation system as it addresses its significant needs and continues to recover from the pandemic. While the bill does not eliminate the federal cap on the Passenger Facility Charge, which ASCE had recommended, we believe shoring up AIP funds is a positive step to protect infrastructure funding and improve the condition of our airports.

Resilience and Preparing for the Future

The bill requires the FAA to work with the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Army Corps of Engineers (USACE) to assess the resiliency of coastal or flood-prone areas.

On the subject of cybersecurity, the bill directs the FAA to establish a cybersecurity threat management process and convene an aviation rulemaking committee to develop recommendations on civil aircraft cybersecurity, as well as tasks the Government Accountability Office (GAO) with conducting a review on the consideration and inclusion of aircraft cybersecurity into the strategic framework for aviation security as part of the FAA's cybersecurity strategy.

ASCE Position

Resilience to both natural and man-made disasters is key for airports. ASCE specifically recommended Congress include dedicated funds for resilience projects in this bill. Infrastructure resilience is particularly important for airports in coastal locations that are subject to sea level rise. Additionally, a strong cybersecurity network bolsters the resilience of the aviation system in the event of communication and passenger services issues.

Safety

An entire section of the bill is dedicated to "Zero Tolerance for Near Misses, Runway Incursions, and Surface Safety Risks", issues that have become particularly prevalent over the last year. The bill requires the FAA to establish a Runway Safety Council to develop strategies to address surface safety risks. The FAA will also be required to identify and deploy technologies and equipment that improve onboard situational awareness for flight crew members in an effort to enhance the safety of ground operations.

With consideration of wireless connectivity, the bill requires the FAA to enter into an agreement with the National Academies to study potential conflicts between uses of radio spectrum by aviators and wireless telecommunications networks.

¹ [Aviation-2021.pdf \(infrastructurereportcard.org\)](#)

The bill tasks the director of the Bureau of Transportation Statistics to work with the Department of Transportation (DOT) and FAA on a study on ground source data at airports in the U.S. and establish a pilot program for purposes of monitoring and collecting tarmac operation data.

Included in the bill is a Sense of Congress that a regularly scheduled panel of experts should re-examine and provide an updated list of mandated contents of onboard emergency medical kits.

The bill requires the installation of cockpit voice recorders set to record the most recent 25 hours of data on newly manufactured aircraft. The bill authorizes \$738 million for the National Transportation Safety Board (NTSB) through FY 2028.

ASCE Position

ASCE appreciates the many and varied elements the bill includes to improve safety for all participants in the aviation system. Safety is the fundamental guiding principle of civil engineers' work. The bill takes into account timely issues, such as near misses, that may contribute to a safer aviation system in the years to come.

Project Delivery and Environmental Review

The legislation reforms and expands the applicability of the FAA's expedited environmental review process and implements components of One Federal Decision. The process will apply to airport capacity enhancement projects, terminal development projects, and general aviation projects, as well as some aviation safety projects.

ASCE Position

ASCE appreciates the bill's efforts to streamline project delivery and environmental review at airports. ASCE believes the goal should be to allow critical infrastructure projects to proceed in a timely manner, without putting the environment at risk.

Workforce

The bill directs the FAA to set as the minimum hiring target for new air traffic controllers for FY 2024-2028 the maximum number of individuals trained at the FAA Academy. Additionally, the FAA must enter into an agreement with Transportation Research Board (TRB) to conduct a study comparing the administration's air traffic controller staffing models and methodologies with those developed by the Collaborative Resource Workgroup (CRWG) and to determine which staffing model best accounts for staffing needs.

To advise on matters related to the recruitment, retention, training, and career advancement of women in the aviation industry, the bill establishes the Bessie Coleman Women in Aviation Advisory Committee. The bill also calls for the GAO to assess high school aviation maintenance technician programs and requires DOT to work with other departments to establish a pilot program geared toward veterans.

ASCE Position

ASCE supports federal, state, and local government programs that invest in workforce development activities.

Small Community Airports

For the Essential Air Service (EAS) program, the bill includes \$340 million for FY 2025, \$342 million for FY 2026, \$342 million for FY 2027, and \$350 for FY 2028. Additionally, the bill states that DOT will respond with an approval or denial of an application to provide essential air service no later than six months after receiving such an application. It also establishes a process for a community to petition DOT if they view that an air carrier is unwilling or unable to meet the operational specifications outlined in the terms of basic essential air service.

The bill reauthorizes the Small Community Air Service Development Program at \$15 million annually through FY 2028.

ASCE Position

The Essential Air Service program benefits approximately 60 communities in Alaska and 115 communities in the lower 48 states that otherwise would not receive any scheduled air service. ASCE commends the provisions in the bill that address the air service needs of small communities. ASCE believes commercial air service is as important to small, rural communities as it is to more populated ones and supports the authorized funding levels included in the bill.

Innovation and Modernization

A few provisions pertain to the Next Generation Air Transportation System (NextGen) program, the FAA's effort to modernize the national airspace system. The bill requires the FAA to operationalize the programs under NextGen by the end of 2025. The National Academy of Public Administration (NAPA) will assess the FAA's performance in delivering and implementing NextGen, and the FAA will maintain a website displaying the metrics identified by NAPA.

The bill extends the BEYOND program, which focuses on unmanned aircraft systems (UAS), also known as drones. The bill also directs the FAA to implement the recommendations made by GAO to develop a comprehensive drone integration strategy and ways to communicate more clearly with drone operators.

Continued operation of the FAA's Joint Advanced Materials Center of Excellence was authorized, with a special focus on applied research and training on airframe structure composites, additive manufacturing, thermoplastic composites, and carbon fiber polymers. The bill also directs DOT to carry out an airfield pavement technologies research and development program to improve the long-term performance and safety of airfield pavement.

In coordination with the John A. Volpe National Transportation Systems Center, the FAA will establish a research and development program to assist with the continuous modernization of

the FAA's aeronautical information systems, including the Notice to Air Missions (NOTAM) system, the Service Difficulty Reports System (SDRS), and the Aviation Safety Information Analysis and Sharing (ASIAS) system.

ASCE Position

Civil engineers incorporate innovative technologies and strategies in their daily work to improve safety and ensure our nation's infrastructure systems are ready for the future. ASCE supports innovative technology and programs, such as NextGen, that offer the ability to improve operations, reduce congestion, and enhance capacity.

For questions, please contact the ASCE Government Relations team:

Caroline Sevier, Managing Director, Government Relations and Infrastructure Initiatives, csevier@asce.org

Carlos Condarco, Director, Government Relations, ccondarco@asce.org

Eleanor Lamb, Senior Manager, Federal Government Relations, elamb@asce.org