

H.R. 4, THE FAA REAUTHORIZATION ACT OF 2018

OVERVIEW

Prepared by Committee on Transportation and Infrastructure Democratic Staff

Background

If passed, H.R. 4, *the FAA Reauthorization Act of 2018*, may pave the way to the first long-term reauthorization of the Federal Aviation Administration (FAA) since 2012. For the last several years, Republican leadership has pushed a controversial proposal to privatize the Nation's air traffic control system, preventing enactment of a long-term and otherwise bipartisan FAA reauthorization bill. With the removal of this problematic proposal, T&I Ranking Member Peter DeFazio and the Ranking Members of the T&I Committee's six subcommittees have cosponsored H.R. 4.

Funding

The FAA requires stable and robust funding in order to fully carry out its mission. H.R. 4 mostly maintains all FAA funding at levels from the Congressional Budget Office's June 2017 baseline over the next five fiscal years. Notably, this bill does not offer the increases to the Airport Improvement Program and passenger facility charge needed to address the serious backlog in airport infrastructure projects across the United States.

Aviation Safety

The FAA's main mission is to ensure the safety of the U.S. airspace system. Notable safety-related provisions in H.R. 4 include:

- A requirement that flight attendants have, at a minimum, 10 consecutive hours of rest between duty periods;
- A requirement that newly manufactured aircraft include secondary cockpit barriers, thereby reducing the likelihood of another successful 9/11-style attack;
- A requirement that the FAA review whether all passengers can safely evacuate an airliner in an emergency within the requisite 90-second limit;
- A requirement that the FAA update its safety-critical staffing model and that the Inspector General review the model to determine the number of safety inspectors the FAA needs; and
- An enhancement to the FAA's process for receiving and responding to aviation employees' voluntary disclosures of safety problems.

Aircraft Certification

All aircraft and aviation products are subject to FAA certification prior to their sale and use in the United States. H.R. 4 includes numerous provisions that seek to improve the FAA's certification processes so U.S. manufacturers can compete globally. Notable provisions include:

- The creation of a Safety Oversight and Certification Advisory Committee that will work with industry to streamline the FAA's certification processes;
- The establishment of clear performance metrics to better measure the progress of the FAA's streamlining efforts;

- A requirement that the FAA promote U.S. safety standards abroad; and
- Improvements to FAA workforce training and development for FAA inspectors and engineers.

Unmanned Aircraft Systems

Unmanned aircraft systems (UAS) are proliferating in the U.S. airspace. H.R. 4 includes several provisions that, among other things, seek to expedite the safe deployment of commercial UAS; encourage development of UAS safety-enhancing technologies; and require studies on the privacy implications of UAS operations and the proper roles of State and local governments in regulating UAS operations.

Consumer Protection

The Department of Transportation regulates the economic and consumer protection aspects of U.S. air travel. H.R. 4 includes numerous provisions that enhance the air travel experience for the more than 900 million passengers who fly each year, including:

- Prohibiting an airline from involuntarily bumping a passenger after the passenger has boarded;
- Prohibiting the use of cell phones for voice communications during flight;
- Requiring airlines to create a one-page document outlining the rights of passengers;
- Requiring large- and medium-hub airports to provide clean, sterile rooms in each terminal for nursing mothers; and
- Establishing a select subcommittee to advise the Secretary of Transportation on issues related to air travel for passengers with disabilities.

Noise and Environment

Aircraft noise and airport environmental issues are particularly important to those who live near our Nation's airports. H.R. 4 contains several provisions in this area, including:

- A study on the potential health impacts of overflight noise of communities around airports;
- A requirement that the FAA consider the feasibility of amending current departure procedures over those communities with noise concerns; and
- The creation of a pilot program to carry out six projects at U.S. airports aimed at mitigating aircraft noise and airport emissions, among other things.

H.R. 4, TITLE VI
THE DISASTER RECOVERY REFORM ACT
OVERVIEW

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Background

Title VI of H.R. 4, the Disaster Recovery Reform Act (DRRA), is based on H.R. 4460, a bipartisan bill supported by former Subcommittee Ranking Member Johnson. The bill was amended after agreement with leadership of the Senate Committee on Homeland Security and Government Affairs and was included in H.R. 4667, the disaster supplemental appropriations bill that passed the House in December of 2017. However, DRRA was not included in the final version of the supplemental that was enacted into law.

Mitigation

The bill creates a new funding mechanism for the Pre-Disaster Mitigation (PDM) program based on 6 percent of the estimated aggregate amount of grants made under the Stafford Act for each disaster. This new stable funding stream from the Disaster Relief Fund will not reduce the overall amount of disaster assistance provided for each disaster. In addition, the bill authorizes Hazard Mitigation Grant Program (HMGP) funds when the President makes a Fire Management Assistance Grant declaration, thereby providing additional mitigation funds for State, local and private lands affected by a fire. The bill also clarifies eligible mitigation measures, such as the eligibility to purchase seismic related equipment with HMGP and PDM funds.

Building Back Stronger

Title VI requires State, Tribal and local governments to rebuild Public Assistance projects to higher standards that meet the latest model building codes and to build in a resilient manner. Other provisions encourage stronger rebuilding and make building code enforcement activities eligible expenses for PDM.

Transparency

To increase transparency, the bill requires FEMA to publish data on mission assignments and on Public Assistance grants over \$1 million on its website within 5 days of issuing the mission assignment or awarding the grant, respectively.