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June 2022

## MEMORANDUM

### RE: Federal Aviation Administration Reauthorization of 2023

#### Background

On June 9<sup>th</sup>, leaders of the House Committee on Transportation and Infrastructure (T&I) unveiled the bipartisan **Securing Growth and Robust Leadership in American Aviation Act** (H.R. 3935), a **five-year, \$103.9 billion** reauthorization of Federal Aviation Administration (FAA) programs, with a focus on safety and resilience. **The bill includes \$20 billion for the Airport Improvement Program, \$17.2 billion for facilities and equipment, and \$66.7 billion for operations.** T&I Committee leaders have made FAA reauthorization a top priority this year, holding five hearings on this subject between February and April. Shortly after introduction, the committee marked the bill up. After working through nearly 200 amendments over two days, the T&I Committee passed the bill with unanimous support on June 14<sup>th</sup>, setting the bill up for floor consideration. Meanwhile, the House Science, Space, and Technology Committee, which is responsible for the research title in the FAA reauthorization, introduced the FAA Research and Development Act of 2023 (H.R. 3559), and passed their bill the same day that the T&I Committee completed its work. The title from the House Science Committee will be joined with the larger package from T&I when the bill reaches the House floor later this summer.

Shortly after the House introduced its bill, the Senate Commerce, Science, and Transportation Committee released the **FAA Reauthorization Act of 2023** on June 12<sup>th</sup>, which represents a bipartisan, **five-year, \$107 billion** piece of legislation. **The Senate bill provides \$20 billion for the Airport Improvement Program, \$67.5 billion for total agency operations, \$18.2 billion for FAA facilities and equipment, and many provisions related to consumer protections.** The Senate Commerce Committee was scheduled to mark up its legislation on June 15<sup>th</sup>, but unfortunately that markup has been temporarily postponed.

Both the House and Senate bills have been introduced as “Big Four” legislation, meaning in the House, full committee chairman Sam Graves (R-MO), full committee ranking member Rick Larsen (R-WA), Aviation Subcommittee chairman Garret Graves (R-LA), and Aviation Subcommittee ranking member Steve Cohen (D-TN) introduced the bill, while in the Senate, full committee chair Maria Cantwell (D-WA), full committee ranking member Ted Cruz (R-TX), Aviation Safety, Operations, and Innovation

Subcommittee chair Tammy Duckworth (D-IL), and Aviation Safety, Operations, and Innovation Subcommittee ranking member Jerry Moran (R-KS) introduced their version.

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. FAA programs will expire on September 30, 2023, and ASCE has made prompt, multi-year reauthorization a key priority for the 118<sup>th</sup> Congress to prevent further uncertainty for any FAA programs or projects. House T&I Chairman Sam Graves has targeted the third week of July for full House passage to allow enough time for bicameral conference negotiations ahead of the September 30 deadline. Senate leaders have not indicated when consideration might take place in the Chamber; however, it is very possible that the legislation will be taken up before the Chamber breaks for its August recess.

### **ASCE Position**

**ASCE supports both the House-led Securing Growth and Robust Leadership in American Aviation Act and the Senate-led FAA Reauthorization Act of 2023.** Both bills would increase investments in the Airport Improvement Program for the first time in two decades and make policy changes that will ensure our nation's airports are preparing for the future.

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 bipartisan reauthorization bills introduced by the House T&I Committee and Senate Commerce Committee 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). Additionally, both bills address several of the key recommendations made to raise the grade for the nation's aviation infrastructure. Solutions proposed in the bills include providing resources to improve resilience against potentially catastrophic events, increasing funding for the Airport Improvement Program, and supporting innovative technologies that can reduce congestion and improve capacity.

### **Bill Summary**

#### ***Airport Funding***

##### *House Bill*

The legislation includes **\$20 billion over the next five fiscal years for Airport Improvement Program (AIP) grants**, which 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. The provision of \$4 billion annually over five years represents a significant increase, as AIP funding levels have remained at \$3.35 billion for about two decades.

The bill also makes eligible additional AIP activities. Proposed additions in the House bill include the construction or renovation of childcare facilities for the use of airport employees, advanced digital construction management systems and related technology used in the planning, design, engineering, and construction of airport facilities, and the improvement of runways or aprons necessary to sustain commercial service flight operations under visual flight rules following a natural disaster.

The bill reduces the authorization for AIP supplemental discretionary funds by more than 90 percent to make funds available instead for the AIP formula program, authorizes the Department of Transportation (DOT) to approve AIP grants for projects that use innovative financing techniques, and revises the formulas and eligibilities in the AIP discretionary categories. The bill also removes most restrictions on the kinds of terminal development projects AIP can be used for, reducing the needs for airports to segment terminal projects to comply with program requirements and allowing for alternative project delivery methods to be eligible for AIP funding.

While the House bill does not remove the cap on the Passenger Facility Charge (PFC), the bill does reduce the amount of AIP funding a large or medium hub airport is required to turn back if it charges a PFC of \$4.50 from 75 percent to 60 percent. During the House markup of the legislation, an amendment was proposed by Thomas Massie (R-KY) to remove the PFC cap, however that amendment was withdrawn as it did not have the support of the Big Four for inclusion in the final legislation.

#### *Senate Bill*

Like the House version of the legislation, the Senate bill includes \$20 billion for AIP grants over five years. Specifically, the bill authorizes \$4 billion each fiscal year from Fiscal Years 2024-2028, again just like the House bill. Also like the House bill, the Senate bill proposes eligibility amendments for the AIP program. Proposed additions include approach lighting systems with runway alignment indicator lights, infrastructure or equipment required for the on-airport distribution or storage of unleaded aviation gas, renewable energy generation infrastructure, and acquisition of an advanced digital construction management system (which uses technology throughout the life cycle of an infrastructure project).

The Senate bill also requires DOT to develop regulations to streamline the process for authorizing eligible agencies for airports to impose passenger facility charges. However, it too does not remove the PFC cap.

#### *ASCE Position*

**ASCE strongly supports increased funding for the AIP.** The strong support for the AIP program in both the House and Senate bills 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 shortfall<sup>1</sup>. 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 neither bill eliminates 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***

##### *House Bill*

The bill includes several provisions related to resilience, which was a top priority for ASCE related to the FAA reauthorization. Specifically, the House bill includes a provision that tasks the FAA to work with the U.S. Army Corps of Engineers to initiate an assessment on the resiliency of coastal airports, considering environmental factors such as the impact of sea level rise. Recommendations developed because of that

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<sup>1</sup> <https://infrastructurereportcard.org/wp-content/uploads/2020/12/Aviation-2021.pdf>

report will be an important step in ensuring our coastal airports can function safely and effectively amid the impacts of climate change.

On the subject of cybersecurity, the House bill tasks the FAA to establish a national airspace system cyber threat management process. At a minimum, this will mean monitoring the national airspace system for cybersecurity incidents, conducting cyber incident analysis, tracking cyber incident detection, and coordinating national incident responses with other federal agencies. Additionally, the FAA would be tasked with convening an aviation rulemaking committee on civil aircraft cybersecurity to review and develop recommendations on cybersecurity standards for aircraft, ground support information systems, air traffic control mission systems, and aeronautical products. Meanwhile, the research title from the House Science Committee requires the FAA to submit a report to Congress on the development of a comprehensive and strategic aviation cybersecurity framework, as well as the establishment of a plan to mitigate cybersecurity risks.

### *Senate Bill*

Like the House bill, the Senate proposal would conduct an assessment of the long-term viability of coastal airports. The Senate bill charges the FAA to work with the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Army Corps of Engineers (USACE) to identify best practices and study the feasibility of improving resilience of airports in coastal or flood-prone areas.

The Senate bill also addresses cybersecurity. According to the bill, the U.S. Comptroller General would conduct 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. The review would look at how onboard aircraft cybersecurity risks are currently defined, how onboard aircraft cybersecurity is prioritized in the cybersecurity strategy, and how roles are differentiated between the FAA and Transportation Security Administration (TSA).

The Senate bill also creates a new pilot program to provide grants to airports to increase runway lengths. Two airports will be eligible for grants each year to plan, design, or construct a project to extend existing runways. Runways would be able to extend up to 1,000 feet in order to accommodate larger aircrafts. However, additional funding was not provided to carry out the program; instead, grants would come out of the Airport Improvement Program.

### *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**

#### *House Bill*

According to the legislation, the FAA will establish a Runway Safety Council to develop a "systematic proactive management strategy" to address surface safety risks. With the council, the FAA will consult

with relevant stakeholders to identify equipment that may provide airport surface surveillance capabilities or augment existing surface surveillance systems. The council will also help the FAA assess automated foreign object debris monitoring and detection systems. The council was listed as a provision of the bill's "zero tolerance" for near misses and runway incursions.

Additionally, within two years, the FAA will need to enter into an agreement with a federally funded research and development center to conduct a study of runway incursions and surface incidents to determine how advanced technologies may be able to reduce the frequency of such events.

The bill also calls for the FAA to implement improvements to the Aviation Safety Information Analysis and Sharing Program, which is an open exchange of safety information between the FAA and aviation industry members. The FAA will identify methods to increase the rate at which data is collected and analyzed, develop predictive capabilities to anticipate emerging safety risks, identify methods to improve shared data environments, and identify industry segments not yet included and conduct outreach to those segments.

According to the bill, the FAA and the National Academies of Sciences, Engineering, and Medicine will also need to conduct a study on matters related to potential conflicts between the uses of radio spectrum by the aviation ecosystem and wireless telecommunication networks.

Additionally, the bill tasks the FAA with developing performance metrics to assess the operation of safety-critical communication, navigation, and surveillance infrastructure within the national airspace system. The FAA administrator will take into consideration the lifespan of such infrastructure, the number and type of mechanical failures, maintenance costs, and the availability of replacement parts.

Finally, the legislation also directs the U.S. Comptroller General to conduct a study on the feasibility and costs and benefits of expanding the FAA Weather Camera Program to locations that lack weather camera service. Created in 1999, the Weather Camera Program provides pilots with near real-time visual and textual weather data.

#### *Senate Bill*

The Senate bill contains various provisions related to the safety of operations, equipment, personnel, and passengers. The bill stipulates the FAA will complete a rulemaking to require that, no more than four years after the bill's enactment date, all applicable aircraft are fitted with a cockpit voice recorder and a flight data recorder that can record the most recent 25 hours of data. Also, the FAA would establish an Aviation Rulemaking Committee within 180 days of enactment. This committee would have to develop findings and recommendations for a standard that any high-altitude balloon be equipped with a system for continuous aircraft tracking.

The bill tasks the director of the Bureau of Transportation Statistics to work with the FAA on a study to explore the capture, analysis, and feasibility of monitoring ground source data. The study objectives are to determine the current state of ground source data coverage at airports, understand the technology requirements for monitoring ground movements at airports, conduct data collection through a pilot program and develop ground-based tarmac delay statistics, and perform a feasibility analysis of tarmac operations monitoring solutions.

The legislation would also establish a pilot program to award grants to air traffic flow management technology providers to develop prototype capabilities to incorporate flight profile optimization into the

FAA's trajectory based-operations air traffic flow management system. A grant will not exceed \$2 million to a single air traffic flow management technology provider.

On the subject of runway safety, the FAA would conduct a study of runway safety incidents at airports and identify technologies that may prevent or reduce the risk of such incidents. The study would include recommendations for preventative measures and recommendations for additional airports that would be viable candidates for the installation of safety technologies. The FAA administrator would also conduct a study on ways to minimize or eliminate engine ingestion zone and jet blast zone accidents, such as through improving markings on the apron, incorporating markings on aircraft, limiting ground personnel access to an aircraft, and improving communication devices.

Like the House bill, the Senate version considers data sharing. Under the bill, the FAA would be required to submit to Congress a report on the agency's progress on the Aviation Safety Information Analysis and Sharing (ASIAS) program.

With regard to the certification process, the bill states the FAA will form an agreement with a federally funded research and development center to conduct a study that addresses: a vision for a future state of certification that reflects the highly integrated nature of today's aircraft, current techniques used for certification, how the FAA could make a risk-based model for type certification, changes needed to accommodate the implementation of quick corrective actions, and efficiencies and best practices that may benefit the certification system.

Lastly, regarding the FAA's January 2023 notice of proposed rulemaking to update and expand the requirements for safety management systems, the FAA administrator will make sure that safety management systems program requirements can be scaled to the size and complexity of each operator.

#### *ASCE Position*

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

#### ***Streamlined Project Delivery***

##### *House Bill*

Included in the bill is a proposal for the FAA to establish a plan for coordinating public and agency participation in comments on the environmental review process within 90 days of the publication of a notice of intent to prepare an environmental impact statement. The FAA administrator must also establish a schedule for interim deadlines for agency activities pertinent to environmental reviews and develop a "maximum schedule" for the project that is not more than two years for the completion of the environmental review process.

Participating agencies must carry out their obligations concurrently with the review required under the National Environmental Policy Act (NEPA). Also, all federal permits and reviews for a project must rely on a single environment document prepared under NEPA. The bill sets forth page limits, indicating environmental impact statements should not exceed 150 pages. The FAA must annually submit to House T&I and the Senate Commerce Committee a report on projects that contains information on related

NEPA data, such as start and end dates for environmental impact statements and environmental assessments.

#### *Senate Bill*

Unlike the House bill, the Senate bill does not include a significant reopening of NEPA. Instead, the Senate bill would establish pilot programs to expedite project delivery. The bill includes language that would allow the FAA to establish a pilot program with no fewer than five airport sponsors, who would be authorized to award a design-build contract for a project that uses alternative delivery and advanced construction methods. The program is intended to allow the FAA to evaluate the extent to which such methods expedite project delivery and reduce construction costs. Another pilot program would involve the FAA administrator awarding grants for integrated project delivery contracts to carry out up to five building construction projects at airports.

However, the Senate bill does include language to require the FAA to develop a needs statement for a project no later than 45 days after the submission of an airport sponsor's completed proposed purpose and need description. Additionally, the FAA would need to provide airport sponsors with technical assistance in drafting purpose and need statements and necessary supporting documents. This requirement would take effect when the FAA is the lead agency for preparing an environmental impact statement or environmental assessment under NEPA.

#### *ASCE Position*

ASCE appreciates both bill's efforts to streamline project delivery 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. The regulatory reforms presented in each bill have the potential to expedite projects, reduce costs, and improve safety. Furthermore, ASCE does support provisions in the House bill, such as limiting pages and concurrent reviews and would recommend those provisions make it into a final bill.

#### ***Unmanned Aircraft Systems (UAS)***

##### *House and Senate Bills*

The House and Senate bills both have several provisions related to UAS. Both bills direct the FAA to establish a pathway for beyond visual line-of-sight operations, create additional test sites for companies to start using unmanned aircraft for package delivery or other operations, and give the FAA enforcement authority to prohibit unauthorized or unsafe use of UAS.

Both bills also extend the BEYOND pilot program, which is a successful partnership with state, local, and Tribal governments, to integrate UAS. This four-year initiative, which launched on October 26, 2020, centers around developing standards, engaging communities, and informing policies to facilitate the safe deployment and operation of drones.

Finally, both bills direct the FAA to publish drone-specific environmental review guidance and implementation procedures.

Meanwhile, the House bill directs the FAA to implement the recommendations made by the Government Accountability Office related to the development of a comprehensive drone integration

strategy and for the FAA to develop ways to clearly communicate with drone operators. The House bill also establishes a pilot program to supplement DOT inspection of ground-based aviation infrastructure and collect data.

#### *ASCE Position*

As technology advances and infrastructure projects become more complex, UAS usage can make workplaces safer and provide more cost-effective delivery of civil engineering services. ASCE supports the appropriate, safe, and responsible use of UAS in compliance with federal, state, and local regulations, laws, and ordinances in the planning, design, construction, operation, and inspection of civil engineering infrastructure projects and facilities.

#### **Workforce**

##### *House Bill*

The House bill reauthorizes funding for the aviation workforce development programs and creates a new non-profit entity to support and promote aviation workforce development and aviation education. The House bill would also establish an interagency working group to advise the DOT on training and certification needs for certain aviation professionals.

##### *Senate Bill*

The Senate bill would authorize an additional \$10 million annually from Fiscal Years 2024 to 2028 for grant programs to recruit aviation maintenance workers, pilots, and other employment programs. It would also try to increase the air traffic controller workforce by expanding air traffic control training capacity with a new FAA academy. The agency is about 3,000 air traffic controllers short of target levels for this summer alone.

Additionally, the Senate bill directs the U.S. Comptroller General to perform a study of the aviation maintenance technician workforce pipeline in the U.S., considering barriers for students enrolled in high school aviation maintenance programs.

#### *ASCE Position*

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

#### **PFAS**

##### *Senate Bill*

The legislation would create a new grant program to help airports eliminate per- and polyfluoroalkyl substances, or PFAS, the toxic chemicals found in the foam used to put out fires on runways and airfields. These grants would help airports replace the PFAS-filled foam with a safer fire-extinguishing material.

#### *ASCE Position*



ASCE does support continued research on emerging pathogens and pollutants like PFAS, as well as improved methods governing the disinfection of drinking water to protect public health from any harmful byproducts. ASCE does not have policy on eliminating PFAS.

### ***Small Community Airports***

#### *House Bill*

The House bill includes authorized funds for the Essential Air Service (EAS) program, which was created to guarantee small communities are served by certificated air carriers. Specifically, the bill authorizes:

- \$332,000,000 for Fiscal Year (FY) 2024;
- \$312,000,000 for FY 2025;
- \$300,000,000 for FY 2026;
- \$265,000,000 for FY 2027;
- \$252,000,000 for FY 2028.

The bill directs the U.S. Comptroller General to conduct a feasibility study on authorizing alternative modes of transportation to serve communities under the EAS program. Such modes to consider include motorcoaches, rail, and other forms of ground-based transportation. Furthermore, the House bill would require the FAA to issue \$100 million in Airport Improvement Program letters of intent to small airports beginning in fiscal year 2028. Under the letters of intent, the FAA agrees in advance to provide funding for an airport project, allowing an airport to plan large capital projects proactively and receive better financing terms. Currently, letters of intent are restricted to large airports, meaning smaller airports lack certainty about when they will be able to complete major projects like runway extension and rehabilitations.

#### *Senate Bill*

The Senate bill includes higher funding levels for the Essential Air Service program. Specifically, the Senate bill would authorize:

- “\$335,000,000 for fiscal year 2024,
- \$340,000,000 for fiscal year 2025,
- \$342,000,000 for fiscal year 2026,
- \$342,000,000 for fiscal year 2027, and
- \$350,000,000 for fiscal year 2028”;

The Senate bill also incentivizes air carriers to continue to serve small and rural communities. The bill allows the DOT to impose contract termination penalties or conditions on compensation in the event an air carrier provides notice that it is ending, suspending, or reducing essential air service.

#### *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 both bills 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 Senate legislation.

## ***Innovation***

### *House Bill*

The House establishes an Office of Innovation within the FAA tasked with tackling complex issues that span across multiple offices and can position the FAA to better support aerospace innovation. Several provisions pertain to the Next Generation Air Transportation System (NextGen) program, the FAA's effort to modernize the national airspace system. The bill also expands the role of the Technical Center for Advanced Aerospace, providing the center with access to federal facilities, and would sunset the Office of NextGen in two and a half years to transfer those responsibilities to the Technical Center.

Additionally, the bill expands the membership of the NextGen Advisory Committee to include a representative from both the unmanned aircraft systems and powered-lift industries. NextGen programs in general are given support in the bill, which contains a section requiring the FAA administrator to expedite the implementation of NextGen programs and capabilities. Specifically, the administrator is directed to prioritize performance-based navigation, data communications, terminal flight data management, and aeronautical information management systems.

### *Senate Bill*

Under the Senate bill, the FAA is required to complete the last stage of NextGen by December 31, 2025, and upgrade the National Airspace System with the latest software and infrastructure.

The bill also requires the FAA to establish an Airspace Innovation Office within the agency, tasked with developing and implementing the research and development, systems engineering, and portfolio management for the continuous modernization of the national airspace system.

Next, the bill calls for the establishment of the NextGen Accountability Task Force to provide recommendations on effective operational metrics that can be used to assess the FAA's performance with the NextGen project. This task force will be made up of representatives from the FAA, trade associations, labor, and other interested parties that may provide expertise. The FAA administrator would develop an implementation plan to further incentivize the acceleration of the equipage rates of certain NextGen avionics in the active commercial and regional fleet of the national airspace system.

Lastly, the Senate bill tasks the FAA with implementing alternative mitigations to improve maintenance of FAA-owned weather observing systems which experience frequent service outages. The FAA administrator would update Notice to Air Missions (NOTAM) to incorporate weather system outages for Automated Weather Observing Systems associated with service outages. In collaboration with the National Weather Service (NWS), the FAA administrator would establish a process to expedite the Automated Surface Observing System and the Service Life Extension Program and ensure spare parts and personnel are available for timely response to outages.

### *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.

## ***Research and Development***

### *House Bill*

The House Science Committee marked up and approved the FAA Research and Development Act of 2023, which constitutes the research title of the larger reauthorization package. That title authorizes appropriations dedicated to research activities, starting at \$255 million in fiscal year 2024 and gradually increasing to \$279 million by fiscal year 2028.

Beyond appropriations, the House bill also requires the DOT, the Department of Energy, the Environmental Protection Agency, and the National Aeronautics and Space Administration (NASA) to develop a roadmap to safely eliminate the use of leaded aviation fuel, broadens the Continuous Lower Energy, Emissions, and Noise (CLEEN) Program to include hydrogen and other alternative aviation fuels, requires the development of a research and development strategy on the safe use of hydrogen, and requires a review of current research and modeling to more accurately detect and predict weather impacts on aviation systems.

The legislation also would require that the FAA develop sustainability and resiliency guidelines to improve long-term pavement performance and reduce carbon emissions and would require the National Institute of Standards and Technology (NIST) to carry out a research and development program for advancing aviation structures, materials, and manufacturing methods for the safe use in and on aircrafts.

### *Senate Bill*

The Senate bill provides \$1.8 billion over five years for research, engineering and development. More specifically, the bill would also allow the Transportation Secretary to carry out a research and development program for airfield pavement technologies, under which the Secretary would make grants to higher education institutions (Sec. 912). The grants would be used to research concrete and asphalt pavement technologies that extend the life of airfield pavements, develop sustainability and resiliency guidelines, develop trainings, and promote the latest technologies to aid the development of safer pavements.

Furthermore, the Senate bill would expand research at the FAA's Center for Excellence for Alternative Jet Fuels and Environment toward the goals of cutting carbon emissions and making commercial air travel more fuel efficient. It also expands the Joint Centers of Excellence for Advanced Materials to further research on innovative advanced materials that will make aircrafts lighter, more fuel efficient, safer, and more accessible for people with disabilities.

### *ASCE Position*

ASCE supports federal research and development efforts that enhance capabilities, improve efficiencies, and advance the practice of civil engineering to improve quality of life and economic competitiveness. ASCE particularly supports the provisions included in the bill that aim to protect the environment and improve the resilience of physical infrastructure.

## ***Regulatory Improvements***

### *House Bill*

The House bill contains provisions aimed at improving the FAA's organizational structure and regulatory processes. The bill established an FAA Management Board as well as an Assistant Administrator for Rulemaking and Regulatory Improvement. This person will be responsible for the FAA's rulemaking agenda, updating outdated rules, and evaluating existing regulations.

Also, the National Academy of Public Administration (NAPA) would be charged with evaluating the process by which FAA rulemakings are drafted, reviewed, and approved.

#### *Senate Bill*

The Senate bill would establish an internal regulatory review process at the DOT tasked with developing recommendations to improve the timeliness and accountability of the development and promulgation of regulatory materials. The bill would also distribute administrative funding to assist states participating in the state block grant program in accordance with the implementation of airport infrastructure projects under the Infrastructure Investment and Jobs Act (IIJA). Administrative funds to states would be distributed from the funds made available in the IIJA for personnel, contracting, and other costs to administer and oversee Airport Infrastructure Grants, Contract Tower Competitive Grant program grants, and Airport Terminal Grants.

#### *ASCE Position*

ASCE recognizes that FAA programs and processes make a meaningful difference when they are run with efficiency and accountability. Therefore, we support efforts to improve processes and programs at the FAA that may have a positive effect on the people who rely on them.

#### **Next Steps**

House Transportation and Infrastructure Chairman, Sam Graves, has publicly stated that he would like the full House to take up the reauthorization during the third week of April, for Congress to begin conference discussions over the August recess and vote on a final conferenced package prior to the September 30<sup>th</sup> deadline.

The Senate Commerce Committee was scheduled to markup its FAA reauthorization on June 15, however that markup has been temporarily postponed due to confusion surrounding an amendment on pilot training requirements. Meanwhile, Senate leadership has not indicated when legislation will come to the floor, although many expect it will be in July. Once the House and the Senate approve legislation, there will need to be a period where both chambers conference and work out the differences in their bills before they can send legislation to the president's desk. ASCE is strongly urging both chambers to pass their respective FAA reauthorizations before the August recess to allow enough time for a final bill to be passed by September 30.

*For questions, please contact the ASCE Government Relations team.*

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