

THE “FAA REAUTHORIZATION ACT OF 2018”

Below includes a summary of the bill’s major travel-related provisions by category:



AVIATION INFRASTRUCTURE

- **Keeps Airport Improvement Program (AIP) formula funding flat**, at \$3.35 billion per year, through FY 2023.
- **Makes a new \$1 billion-dollar AIP discretionary grant program subject to annual appropriations**, which reduces the certainty of funding. Directs 50 percent of funding for the new AIP discretionary grant program to small airports, which handle less than 1 percent of the overall passenger enplanements.
- **Increases funding for FAA’s Facility and Equipment account**, including the NextGen air traffic control programs, from \$3.3 billion in FY 2018 to \$3.7 billion in FY 2023.
- **Directs DOT to study the infrastructure needs and existing financial resources for commercial service airports and make recommendations on the actions needed to upgrade the national aviation infrastructure, consulting with “tourism organizations”** in the development of its study and recommendations.
- Does not adjust the Passenger Facility Charge (PFC) cap. A PFC cap adjustment is needed to expand capacity, reduce congestion, and improve the passenger experience at airports.
- Expands PFC eligibility for certain intermodal access projects.
- Streamlines the Passenger Facility Charge (PFC) application requirements for projects funded at a \$4.00 or \$4.50 PFC, and provides airports of all sizes with access to a streamlined PFC process.

INTERNATIONAL AVIATION AND OPEN SKIES

- **Removes so-called “flags of convenience” provisions** contained in the House FAA bill, which would have violated Open Skies agreements and prevented new low-cost international carriers from expanding service to the United States.

AIR SERVICE DEVELOPMENT

- **Reauthorizes the Small Community Air Service Development Program (SCASDP) at \$10 million per year**. Expands eligibility to all small hub airports and for projects aimed at restoring cancelled air service.
- **Directs \$4.8 million of SCASDP funding to a new Regional Air Transportation Pilot Program** that provides operating assistance to air carriers in communities without sufficient air service.

PASSENGER EXPERIENCE

- **Directs FAA to set minimum pitch (leg room), width and length requirements** for passenger seats in commercial flights.
- **Prohibits involuntary bumping of passengers who have already boarded** and requires clarification of regulations regarding compensation for bumped passengers.
- Establishes the position of Aviation Consumer Advocate at DOT to help consumers resolve their air travel complaints.
- **Sets new requirements for airlines** to promptly return fees for services, such as seat assignments or early boarding, purchased but not received.



- Prohibits use of cell phones for in-flight calls on commercial aircraft.
- Requires sanitary, private rooms for nursing mothers in all large and medium commercial airport terminals.
- Requires airlines, in the event of a widespread disruption of their computer systems, to prominently post online what services they will provide impacted passengers.
- **Extends the Advisory Committee for Aviation Consumer Protection.**

TSA MODERNIZATION ACT (DIVISION K)



FUNDING

- **Authorizes funding for TSA for three years** at an average level of \$7.9 billion - \$7,849,247,000 for fiscal year 2019; \$7,888,494,000 for fiscal year 2020; and \$7,917,936,000 for fiscal year 2021.



ORGANIZATION

- **Directs the President to appoint a TSA Administrator for a five-year term** that must be confirmed by the Senate.
- **Directs the Administrator to appoint at least one person to be in charge of each of the following divisions,** and report this list of appointees (and any eventual changes in appointees) to Congress:
 - Aviation security operations and training;
 - Surface transportation security operations and training;
 - Transportation industry engagement and planning;
 - International strategy and operations;
 - Trusted and registered traveler programs (including Precheck, CLEAR, and other DHS coordinated programs);
 - Technology acquisition and deployment;
 - Inspection and compliance;
 - Civil rights and liberties of travelers;
 - and legislative and public affairs

TSA Pre ✓

PRECHECK PROGRAM

- Requires TSA to continue to administer the Precheck program and requires the Administrator to work with at least 2 private sector entities to increase the “methods and capabilities available” for the public to enroll in Precheck.
 - Requires this expansion to include the ability to enroll online or through a mobile device; expansion of passenger lanes to ensure they are available at peak and high-volume travel times; and implementation of a long-term marketing strategy with the private sector to encourage enrollment.
 - Target enrollment by October 2019 under these new provisions would be 7 million passengers, followed by 10 million in October 2020 and 15 million in October 2021.
- **Directs that only travelers who are members of a trusted traveler program will be permitted to use a TSA Precheck security screening lane** at a passenger screening checkpoint, beginning 18 months after passage of this bill. Members of the armed forces, the Honor Flight program, and low-risk travelers traveling on the same reservation as a member of a trusted traveler program may be considered exemptions to this provision.

- Directs TSA to develop a pilot program for risk-modified screening lanes for low-risk passengers.
- TSA must brief Congress on this pilot program after completion and develop a working group for implementing the pilot program if it is deemed successful and efficient.
- **Directs the Administrator to work on a long-term strategy to increase Precheck enrollment.**



TRUSTED TRAVELER PROGRAMS AND COLLABORATION

- **Requires the TSA Administrator and CBP Commissioner to review each trusted traveler program and identify improvements that can be made to both programs.** Both agencies must also identify any regulations that may inhibit collaboration between the two programs and then identify any legislative or administrative actions that can be taken to eliminate such barriers. This review and list of recommendations must then be submitted to Congress.



EFFICIENCY

- Directs the TSA Administrator to carry out a comprehensive, agency-wide review of TSA's overall efficiency. This review will identify spending reductions and administrative savings that can be achieved by streamlining or restructuring certain parts of TSA.
- **Directs the TSA Administrator and CBP Commissioner to work together on deployment of biometric technologies,** which includes submitting a comprehensive report to Congress on privacy concerns, error rates, number of visitors overstaying visas each year, and more.
- **Directs the TSA Administrator to publish wait times** at all TSA-run airport security checkpoints for the purpose of public use.
- Requires the TSA Administrator will establish a working group to support the production of high-quality explosive detection canines, as well as the modernization of canine training standards.



AIRPORT PERIMETER AND ACCESS CONTROL SECURITY

- Directs the Administrator to update the Transportation Sector Security Risk Assessment (TSSRA) with the most updated intelligence information, establish a regular schedule for updates, and conduct a system-wide assessment of airport access control points and perimeter security.



PASSENGER SECURITY FEE

- **Starting in 2027, passenger security fees will be credited as offsets** to appropriations made for aviation security measures carried out by TSA.



SCREENING PARTNERSHIP PROGRAM

- Requires the Security Screening Opt-Out Program to be renamed the "Screening Partnership Program." This program will allow TSA to partner with private screening companies so long as the contract price is equal to or less than the cost of the federal government providing such screening services.



LAST POINT OF DEPARTURE AIRPORTS AND SECURITY DIRECTIVES

- Directs the Administrator to update the Transportation Sector Security Risk Assessment (TSSRA) with the most updated intelligence information, establish a regular schedule for updates, and conduct a system-wide assessment of airport access control points and perimeter security.



INFORMATION SHARING AND CYBERSECURITY

- Directs each Federal Security Director (FSD) of an airport to meet quarterly with the airport director, airport security coordinator, and law enforcement to discuss incident management protocols, such as screening anomalies.
 - Each FSD must also develop a plan to improve intelligence information sharing with state and local transportation entities, as well as solicit input annually from appropriate stakeholders, such as state and local transportation entities.
 - The DHS and Transportation Secretaries must conduct a cybersecurity evaluation of TSA's trusted traveler programs and submit remediation plans of those cybersecurity risks to Congress.