

**TO:** AIRPORT COMMISSION

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**SUBJECT:** Legislative Update

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## FEDERAL

### American Rescue Plan Act of 2021

President Biden signed the American Rescue Plan Act of 2021, H.R. 1319, on March 11, 2021. The bill provided \$8 billion to airports around the country. In late June, the FAA released the grants amounts available for each airport. The Norman Y. Mineta San José International Airport is eligible for \$48.9 million as part of its primary airport allocation and another \$6.6 million to assist with concession relief.

### House Appropriations for Transportation

On July 16, 2021, the House Appropriations Committee today approved a Fiscal Year 2022 spending bill for the Departments of Transportation that proposes \$3.35 billion for AIP, an additional \$400 million for supplemental discretionary grants, and a \$5.2 million increase for the FAA Contract Tower Program.

The Airport Improvement Program details include:

- \$3.35 billion for the traditional AIP account in FY22 – unchanged from in the current fiscal year.
- \$400 million in supplemental AIP discretionary grants, of which \$80 million is reserved for earmarks (also known as “Community Project Funding” requests).

### Community Engagement and Noise

- Lawmakers continue to focus on aircraft noise and community engagement. The Committee report highlights “the need for a higher caliber of transparency and participation in discussions about airport and aircraft noise, as evidenced by the multiple lawsuits brought on by metroplex project.” But Committee members suggest that dialogue between the FAA and local residents is not enough:

“Conversations between the FAA and community residents alone are wholly inadequate,” the Committee report states. “Airports, airlines, pilots, state and local officials, residential developers, and real estate agents also bear some responsibility for preventing and resolving community noise concerns, such as compatible land use, construction methods and materials for noise reduction, disclosure of existing and future noise issues, voluntary noise abatement operating procedures, and equitable enforcement of noise ordinances.”

- The bill includes an additional \$8 million from the FAA Operations account to “support regular engagement with communities affected by noise.” According to the report, “these funds are primarily to be used to provide on-line, real-time, authoritative information to the public about airport operations and aircraft position and altitude, respond to questions and complaints from public, make aggregated information from the FAA noise portal available to the public, and ensure FAA participation and technical analysis at roundtables, workshops, and other public forums about noise.”

### House Appropriations for DHS

On July 13, 2021, the House Appropriations Committee approved the fiscal year (FY) 2022 funding bill for the Department of Homeland Security (DHS) and component agencies, including TSA and CBP. In total, the bill provides \$52.81 billion in discretionary appropriations for DHS, which is \$387.3 million above the President’s budget request and \$934 million above the current year.

#### Transportation Security Administration

- A total of \$8.6 billion was provided for TSA activities. This recommendation fully funds key airport priorities including:
  - \$46.4 million for the law enforcement officer reimbursement grant program,
  - \$30 million to continue to reimburse airports for the purchase and installation of explosive detection systems procured shortly after September 11,
  - \$104.5 million to continue to replace the current accessible property screening systems at checkpoints with computed tomography (CT) units,
  - \$4.25 million for a mobile driver’s license initiative to develop the agency’s capability to ingest and authenticate this digital information, and
  - funding for TSA to continue monitoring exit lanes from the sterile area of the airport at those locations where TSA monitored them on December 1, 2013.

A report accompanying the bill highlight a few TSA funding details and recommendations, including

- **Exit Lane Staffing:** While the bill fully funds TSA’s requirement to staff exit lanes at those airports it was statutorily required to do so, the report encourages the effective use of TSA staff resources and directs TSA to brief the committee within 90 days “on the safety and efficiency impacts of utilizing local law enforcement partnerships to staff airport exit lanes under TSA oversight.”
- **REAL ID:** The report acknowledges that full implementation of the REAL ID requirements has been postponed until May 3, 2023, due to the impact of the COVID–19 pandemic on the operations of state motor vehicle department operations. In the interim, the report directs “TSA to provide a briefing on (1) alternative screening procedures widely available for passengers who do not have credentials that meet the requirements the REAL ID Act, and (2) TSA’s efforts to prepare for enforcement of REAL ID requirements at TSA checkpoints. This briefing is to occur within 180 days.
- **Real-Time Wait Time Information at Security Checkpoints:** Report language supports TSA’s efforts to inform the traveling public about real-time wait times at TSA’s screening checkpoints and “believes disseminating this information via websites, mobile device applications or on in-airport screens help the traveling public appropriately plan their trips and helps alert TSA about wait time lags so they can be quickly addressed.”

- **Touchless Security Identification:** The report directs TSA to provide more details on voluntary, accurate, reliable, and secure biometric identification options for passengers enrolled in PreCheck.
- **Ultraviolet-C (UVC) Equipment for Screening Checkpoints:** The report acknowledges TSA's pilot program to install and deploy UVC technology, both standalone systems, and systems for automated screening lanes, capable of extinguishing the presence of bacteria and viruses on trays at the security checkpoints. The committee encourages further development of this initiative and directs TSA to provide a briefing on the potential benefits, feasibility, and funding requirements for future deployment of this technology at all Category X airports.

#### U.S. Customs and Border Protection

- The bill provides \$14.11 billion in net discretionary appropriations for CBP, which is \$456 million (or 3 percent) below the budget request. The bill does not include funding to hire additional CBP officers or offset CBP's user fee revenue shortfalls as a result of a significant decline in international travel due to the COVID-19 pandemic. The revenue shortfall is addressed in report language accompanying the bill. The bill retains the overtime cap at \$45,000 for CBP officers and continues to permit the Secretary to waive this cap on an individual basis in the case of immigration emergencies.
- **User Fee Funded Airports:** The report once again strongly encourages CBP to give priority consideration to an application for port of entry status to any user fee airport that served at least 75,000 deplaned international passengers in the previous calendar year.

#### **Infrastructure Plan – The American Jobs Plan**

On June 24, 2021, President Biden and the bipartisan group of senators known as the G-21 came to an agreement on the size and scope of a five-year, \$973 billion infrastructure framework, which includes \$579 billion in new spending, \$25 billion of which would go to airport infrastructure. The Senate is continuing to negotiate the details of the infrastructure package.