

PUBLICATION

Five-Year Federal Aviation Administration Reauthorization, Including Disaster Relief Funding and Recovery Reform

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On October 3, 2018, the Senate voted 93-6 to approve a five-year reauthorization of the Federal Aviation Administration (FAA). The House voted 398-23 to pass the bill, H.R. 302, the FAA Reauthorization Act of 2018, on September 26, 2018. FAA funding and authorities were set to expire at the end of the fiscal year on September 30, 2018. The bill is the first long-term authorization for the agency since the 2012 authorization bill expired in 2015 and represents a significant bipartisan agreement after months of hearings, markups, and negotiations. In addition to extending FAA authorization, the bill streamlines the FAA certification process and enhances aviation safety, further integrates unmanned aircraft systems (drones) into the nation's air space system, and provides protections for airline passengers. The bill also includes \$1.7 billion in emergency funding for Hurricane Florence relief and overhauls the federal government's system for preparing and responding to natural disasters through the Federal Emergency Management Agency (FEMA).

House Transportation and Infrastructure Chairman Bill Shuster (R-PA), who will retire after this term, had pushed for privatization of the nation's air traffic control operations. However, the proposal faced opposition from nearly all Democrats and some Republicans, stalling action on the House floor in 2016 and 2017. Finally, Chairman Shuster introduced a new bill, H.R. 4, in April 2018 that left air traffic control intact, which the House subsequently passed. That bill became the starting point for "pre-conference" negotiations with the Senate and helped to expedite the process for reaching agreement on the bipartisan package recently enacted by Congress.

The FAA Reauthorization Act includes the [Disaster Recovery Reform Act \(DRRA\)](#), considered the largest single piece of legislation to impact disaster response and recovery in decades. DRRA makes numerous modifications to the federal government's system of preparing for and responding to natural disasters, including by modifying FEMA operations and grant funding and by amending the Stafford Act. In particular, the bill increases federal investment in pre-disaster planning and mitigation so that communities can better prepare for future disasters, including hurricanes, floods, wildfires, earthquakes, and other disasters. For state and local governments, the bill also increases reimbursement caps on a range of disaster costs and provides greater flexibility for communities to build what they actually need rather than simply restoring or replacing damaged infrastructure after a natural disaster.

As Hurricane Michael continues to have a devastating impact in the Southeast, all of us at Baker Donelson extend our thoughts to those affected by this historic storm. With the immediate dangers subsiding, but the full scope of the aftermath largely unknown, parts of the region now face a long and difficult recovery period. State and local governments, eligible private non-profit organizations, and entities that assist these stakeholders in applying for FEMA assistance are encouraged to visit Baker Donelson's [Disaster Recovery and Government Services](#) webpage for more information about our Disaster Recovery and Government Services practice, including critical checklists on disaster procurement and contracting.

For a more detailed review of the DRRA, see our recent article, "[The Disaster Recovery Reform Act of 2018: Key Provisions Affecting FEMA Funding.](#)"

If you have questions or would like further information regarding the content of this alert, please contact [Ernie Abbott](#) and [Wendy Huff Ellard](#) for assistance.