

## **FACT SHEET: H.R. 5499**

### **The Problem**

- In order to receive full grant assurances from the Federal Aviation Administration (FAA), airfields must manage their leases at Fair Market Value (FMV) in order to remain compliant for Airport Improvement Program (AIP) funds.
- The National Guard receives “nominal lease rates” at Civilian Airfields because aircraft missions qualify under FAA requirements and do not affect the FMV requirements for airfields.
- However, over the past decade, the National Guard and Air Force mission has evolved and aircraft missions have been moved or eliminated as new missions are created and the Department of Defense (DoD) adjusts the Air Force and Guard force structure on dual-use civilian airfields.
- Many Guard flying missions have transitioned to Remote Pilot Aircraft (RPA) missions at these bases to meet their Total Force responsibilities along with the Air Force.
- Pilots and flying missions are staged, planned, and executed on base – without physical aircraft on most airfields.
- Under current law, there is no recognition of RPA missions and the loss of physical aircraft at bases means the Guard loses eligibility for nominal leases and the airfield could lose their federal grant dollars.
- With leases due for renewal, airports are forced to charge the Guard FMV, or force the guard off the property AND find other tenants to pay FMV in order to remain eligible for FAA funds.
- Removing the guard from the airport eliminates all of the ancillary benefits the Guard fills at civilian airfields such as infrastructure support, maintenance, security, and fire and emergency response. These services are funded out of the Guard or Air Force budget and would need to be absorbed by the airport. These services were traditionally provided in kind to the airfields and provided additional benefits to airfields who are maximizing their own dollars on passenger services and civilian personnel.
- Estimates show that without this important legislation fix, the Guard would absorb over \$155 million in lease fees each year that is not covered in current budgets.

### **The solution**

- H.R. 5499 creates eligibility for nominal leases for the Guard and Air Force operating RPA flying missions directly from the airport or remotely from the airport.
- As interpreted by the FAA, H.R. 5499 ensures that any facility or equipment that is operating or participating in RPA flying missions from a civilian airfield, either by remote control or direct take-off, the entire footprint occupied by the Guard or Air Force would qualify for nominal lease.
- H.R. 5499 saves taxpayer dollars, prevents a disruption of Guard and Air Force missions, and improves critical infrastructure.
- This legislative solution was developed hand-in-hand with the Upton, the National Guard, the Air Force, and the FAA and has approval from the FAA Office of the Administrator for Airports.

### **How this affects Southwest Michigan**

- The Battle Creek Air National Guard is just one of the many dual-use airfields that will immediately benefit from H.R. 5499 as one of the Attack Wings flying MQ-9 (RPA) missions overseas.