

115TH CONGRESS
1ST SESSION

H. R. 2879

To reform apportionments to general aviation airports under the airport improvement program, to improve project delivery at certain airports, and to designate certain airports as disaster relief airports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2017

Mr. GRAVES of Missouri (for himself and Mrs. BUSTOS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reform apportionments to general aviation airports under the airport improvement program, to improve project delivery at certain airports, and to designate certain airports as disaster relief airports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Forward Looking Investment in General Aviation, Hang-

1 ars, and Tarmacs Act of 2017” or the “FLIGHT Act of
2 2017”.

3 (b) TABLE OF CONTENTS.—The table of contents for
4 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. General aviation airport entitlement reform.
- Sec. 3. Extending aviation development streamlining.
- Sec. 4. Establishment of public private-partnership program at general aviation airports.
- Sec. 5. Disaster relief airports.
- Sec. 6. Airport development relating to disaster relief.
- Sec. 7. Inclusion of covered aircraft construction in definition of aeronautical activity for purposes of airport improvement grants.

5 **SEC. 2. GENERAL AVIATION AIRPORT ENTITLEMENT RE-**
6 **FORM.**

7 (a) APPORTIONMENT.—Section 47114(d)(3) of title
8 49, United States Code, is amended—

9 (1) by redesignating subparagraphs (A) and
10 (B) as subparagraphs (B) and (C), respectively; and
11 (2) by inserting before subparagraph (B), as re-
12 designated by paragraph (1), the following:

13 “(A) Not less than 4 percent to airports
14 designated as disaster relief airports under sec-
15 tion 47145 to enhance the ability of such air-
16 ports to aid in disaster relief, including through
17 funding for airport development described in
18 section 47102(3)(P).”.

19 (b) PERIOD OF AVAILABILITY.—Section 47117(b) of
20 such title is amended by striking “3” and inserting “4”.

1 (c) UNITED STATES SHARE OF PROJECT COSTS.—
2 Section 47109 of such title is amended by adding at the
3 end the following:

4 “(g) GENERAL AVIATION AIRPORTS.—The Govern-
5 ment’s share of allowable project costs may be increased
6 by the Administrator of the Federal Aviation Administra-
7 tion to 95 percent for a project—

8 “(1) at an airport that is not a primary airport
9 if the Administrator determines that the project will
10 increase safety or security at that airport; or

11 “(2) at an airport that is categorized as a basic
12 or unclassified airport in the report of the Federal
13 Aviation Administration entitled ‘General Aviation
14 Airports: A National Asset’ and dated May 2012.”.

15 (d) USE OF APPORTIONED AMOUNTS.—Section
16 47117(e)(1) of such title is amended by adding at the end
17 the following:

18 “(D) All amounts subject to apportionment for
19 a fiscal year that are not apportioned under section
20 47114(d), for grants to sponsors of general aviation
21 airports, reliever airports, or nonprimary commercial
22 service airports.”.

1 **SEC. 3. EXTENDING AVIATION DEVELOPMENT STREAM-**
2 **LINING.**

3 (a) IN GENERAL.—Section 47171 of title 49, United
4 States Code, is amended—

5 (1) in subsection (a), in the matter preceding
6 paragraph (1), by inserting “general aviation airport
7 construction or improvement projects,” after “con-
8 gested airports,”;

9 (2) in subsection (b)—

10 (A) by redesignating paragraph (2) as
11 paragraph (3); and

12 (B) by inserting after paragraph (1) the
13 following:

14 “(2) GENERAL AVIATION AIRPORT CONSTRUC-
15 TION OR IMPROVEMENT PROJECT.—A general avia-
16 tion airport construction or improvement project
17 shall be subject to the coordinated and expedited en-
18 vironmental review process requirements set forth in
19 this section.”;

20 (3) in subsection (c)(1), by striking “(b)(2)”
21 and inserting “(b)(3)”;

22 (4) in subsection (d), by striking “(b)(2)” and
23 inserting “(b)(3)”;

24 (5) in subsection (h), by striking “(b)(2)” and
25 inserting “(b)(3)”;

1 (6) in subsection (k), by striking “(b)(2)” and
2 inserting “(b)(3)”.

3 (b) DEFINITIONS.—Section 47175 of such title is
4 amended—

5 (1) by redesignating paragraphs (1), (2), (3),
6 (4), and (5) as paragraphs (2), (5), (1), (3), and
7 (4), respectively, and by rearranging such para-
8 graphs so that they appear in numerical order;

9 (2) by redesignating paragraph (7) as para-
10 graph (8); and

11 (3) by inserting after paragraph (6) the fol-
12 lowing:

13 “(7) GENERAL AVIATION AIRPORT CONSTRUC-
14 TION OR IMPROVEMENT PROJECT.—The term ‘gen-
15 eral aviation airport construction or improvement
16 project’ means—

17 “(A) a project for the construction or ex-
18 tension of a runway, including any land acquisi-
19 tion, taxiway, safety area, apron, or naviga-
20 tional aids associated with the runway or run-
21 way extension, at a general aviation airport, a
22 reliever airport, or a commercial service airport
23 that is not a primary airport (as such terms are
24 defined in section 47102); and

1 “(B) any other airport development project
 2 that the Secretary designates as facilitating
 3 aviation capacity building projects at a general
 4 aviation airport.”.

5 **SEC. 4. ESTABLISHMENT OF PUBLIC PRIVATE-PARTNER-**
 6 **SHIP PROGRAM AT GENERAL AVIATION AIR-**
 7 **PORTS.**

8 (a) IN GENERAL.—Chapter 481 of title 49, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing:

11 **“§ 48115. General aviation public-private partnership**
 12 **program**

13 “(a) SMALL AIRPORT PUBLIC-PRIVATE PARTNER-
 14 SHIP PROGRAM.—The Secretary of Transportation shall
 15 establish a program that meets the requirements under
 16 this section for improving facilities at—

17 “(1) general aviation airports; and

18 “(2) privately owned airports used or intended
 19 to be used for public purposes that do not have
 20 scheduled air service.

21 “(b) APPLICATION REQUIRED.—The operator or
 22 sponsor of an airport, or the community in which an air-
 23 port is located, seeking, on behalf of the airport, to partici-
 24 pate in the program established under subsection (a) shall
 25 submit an application to the Secretary in such form, at

1 such time, and containing such information as the Sec-
2 retary may require, including—

3 “(1) an assessment of the needs of the airport
4 for additional or improved hangars, airport busi-
5 nesses, or other facilities;

6 “(2) the ability of the airport to leverage pri-
7 vate sector investments on the airport or develop
8 public-private partnerships to build or improve facili-
9 ties at the airport; and

10 “(3) if the application is submitted by a com-
11 munity, evidence that the airport supports the appli-
12 cation.

13 “(c) LIMITATION.—

14 “(1) STATE LIMIT.—Not more than 4 airports
15 in the same State may be selected to participate in
16 the program established under subsection (a) in any
17 fiscal year.

18 “(2) DOLLAR AMOUNT LIMIT.—Not more than
19 \$500,000 shall be made available for any airport in
20 any fiscal year under the program established under
21 subsection (a).

22 “(d) PRIORITIES.—In selecting airports for partici-
23 tion in the program established under subsection (a), the
24 Secretary shall give priority to airports at which—

1 “(1) the operator or sponsor of the airport, or
2 the community in which the airport is located—

3 “(A) will provide a portion of the cost of
4 the project for which assistance is sought under
5 the program from local sources;

6 “(B) will employ best business practices in
7 developing or implementing a public-private
8 partnership; or

9 “(C) has established, or will establish, a
10 public-private partnership to build or improve
11 facilities at the airport; or

12 “(2) the assistance will be used in a timely
13 fashion.

14 “(e) TYPES OF ASSISTANCE.—The Secretary may
15 use amounts made available under this section—

16 “(1) to provide assistance to market an airport
17 to private entities or individuals in order to leverage
18 private sector investments or develop public-private
19 partnerships for the purposes of building or improv-
20 ing hangars, businesses, or other facilities at the air-
21 port;

22 “(2) to fund studies that consider what meas-
23 ures an airport should take to attract private sector
24 investment at the airport; or

1 “(3) to participate in a partnership described in
2 paragraph (1) or an investment described in para-
3 graph (2).

4 “(f) AUTHORITY TO MAKE AGREEMENTS.—The Sec-
5 retary may enter into agreements with airports and enti-
6 ties entering into partnerships with airports under this
7 section to provide assistance under this section.

8 “(g) AVAILABILITY OF AMOUNTS FROM AIRPORT
9 AND AIRWAY TRUST FUND.—

10 “(1) IN GENERAL.—There is authorized to be
11 appropriated, out of the Airport and Airway Trust
12 Fund established under section 9502 of the Internal
13 Revenue Code of 1986, \$5,000,000 for each of the
14 fiscal years 2018 through 2022 to carry out this sec-
15 tion.

16 “(2) AVAILABILITY.—Amounts appropriated
17 pursuant to paragraph (1)—

18 “(A) shall remain available until expended;
19 and

20 “(B) shall be in addition to any amounts
21 made available pursuant to section 48103.”.

22 “(b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 481 of such title is amended by adding at the end the
24 following:

“48115. General aviation public-private partnership program.”.

1 (c) EXPENDITURE AUTHORITY FROM AIRPORT AND
 2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
 3 ternal Revenue Code of 1986 is amended by inserting “or
 4 the FLIGHT Act of 2017” before the semicolon at the
 5 end.

6 **SEC. 5. DISASTER RELIEF AIRPORTS.**

7 (a) DESIGNATION OF DISASTER RELIEF AIR-
 8 PORTS.—Subchapter I of chapter 471 of title 49, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing:

11 **“§ 47145. Disaster relief airports**

12 “(a) DESIGNATION.—

13 “(1) IN GENERAL.—The Secretary of Transpor-
 14 tation shall designate as a disaster relief airport an
 15 airport that—

16 “(A) is categorized as a regional reliever
 17 airport in the report issued by the Federal
 18 Aviation Administration entitled ‘National Plan
 19 of Integrated Airport Systems (NPIAS) 2017–
 20 2021’;

21 “(B) is within a reasonable distance, as de-
 22 termined by the Secretary, of a hospital or
 23 transplant or trauma center;

1 “(C) is in a region that the Secretary de-
2 termines under subsection (b) is prone to nat-
3 ural disasters;

4 “(D) has at least one paved runway with
5 not less than 3,400 feet of useable length capa-
6 ble of supporting aircraft up to 12,500 pounds;

7 “(E) has aircraft maintenance or servicing
8 facilities at the airport able to provide aircraft
9 fueling and light maintenance services; and

10 “(F) has adequate taxiway and ramp space
11 to accommodate single engine or light multi-en-
12 gine aircraft simultaneously for loading and un-
13 loading of supplies.

14 “(2) DESIGNATION IN STATES WITHOUT QUALI-
15 FYING AIRPORTS.—If fewer than 3 airports de-
16 scribed in paragraph (1) are located in a State, the
17 Secretary, in consultation with aviation officials of
18 that State, shall designate not more than 3 general
19 aviation airports in that State as a disaster relief
20 airport under this section.

21 “(b) PRONE TO NATURAL DISASTERS.—

22 “(1) IN GENERAL.—For the purposes of sub-
23 section (a)(1)(C), a region is prone to natural disas-
24 ters if—

1 “(A) in the case of earthquakes, there is
2 not less than a 50 percent probability that an
3 earthquake of magnitude 6 or above will occur
4 in the region within 30 years, according to the
5 United States Geological Survey; and

6 “(B) in the case of other types of natural
7 disasters, the President has declared more than
8 5 major disasters in the region under section
9 401 of the Robert T. Stafford Disaster Relief
10 and Emergency Assistance Act (42 U.S.C.
11 5170), according to the most recent map of the
12 Federal Emergency Management Agency.

13 “(2) NATURAL DISASTER DEFINED.—For the
14 purposes of this section, the term ‘natural disaster’
15 includes any hurricane, tornado, severe storm, high
16 water, wind-driven water, tidal wave, tsunami, earth-
17 quake, volcanic eruption, landslide, mudslide, snow-
18 storm, drought, or wildfire.

19 “(c) REQUIREMENTS.—

20 “(1) OPERATION AND MAINTENANCE.—

21 “(A) IN GENERAL.—A disaster relief air-
22 port and the facilities and fixed-based operators
23 on or connected with the airport shall be oper-
24 ated and maintained in a manner the Secretary
25 consider suitable for disaster relief.

1 “(B) EXCLUSION.—A disaster relief air-
2 port shall not be considered to be in violation
3 of subparagraph (A) if a runway is unuseable
4 because the runway is under scheduled mainte-
5 nance or is in need of necessary repairs.

6 “(2) COMPLIANCE WITH ASSURANCES ON AIR-
7 PORT OPERATIONS.—A disaster relief airport shall
8 comply with the provisions of section 47107 without
9 regard whether the airport has received a project
10 grant under this subchapter.

11 “(3) NATURAL DISASTER MANAGEMENT
12 PLAN.—A disaster relief airport shall develop an
13 emergency natural disaster management plan in co-
14 ordination with local emergency response teams and
15 first responders.

16 “(d) CIVIL PENALTY.—A public agency that know-
17 ingly violates this section shall be liable to the United
18 States Government for a civil penalty of not more than
19 \$10,000 for each day of the violation.

20 “(e) CONSIDERATION FOR PROJECT GRANTS.—The
21 Secretary shall give consideration to the role an airport
22 plays in disaster relief when determining whether to pro-
23 vide a grant for the airport under this subchapter.

1 “(f) APPLICABILITY OF OTHER LAWS.—This section
2 shall apply notwithstanding any other law, rule, regula-
3 tion, or agreement.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 471 of such title is amended by inserting after the
6 item relating to section 47144 the following:

“47145. Disaster relief airports.”.

7 **SEC. 6. AIRPORT DEVELOPMENT RELATING TO DISASTER**
8 **RELIEF.**

9 Section 47102(3) of title 49, United States Code, is
10 amended by adding at the end the following:

11 “(P) planning, acquiring, or constructing
12 facilities at an airport designated as a disaster
13 relief airport under section 47145, including—

14 “(i) planning for disaster prepared-
15 ness associated with maintaining airport
16 operations during a natural disaster;

17 “(ii) acquiring airport communication
18 equipment and fixed emergency generators
19 that are not able to be acquired by pro-
20 grams funded under the Department of
21 Homeland Security; and

22 “(iii) constructing, expanding, and im-
23 proving airfield infrastructure to include
24 aprons and terminal buildings the Sec-

1 retary determines will facilitate disaster re-
2 sponse at the airport.”.

3 **SEC. 7. INCLUSION OF COVERED AIRCRAFT CONSTRUC-**
4 **TION IN DEFINITION OF AERONAUTICAL AC-**
5 **TIVITY FOR PURPOSES OF AIRPORT IM-**
6 **PROVEMENT GRANTS.**

7 Section 47107 of title 49, United States Code, is
8 amended by adding at the end the following:

9 “(u) CONSTRUCTION OF RECREATIONAL AIR-
10 CRAFT.—

11 “(1) IN GENERAL.—The construction of a cov-
12 ered aircraft shall be treated as an aeronautical ac-
13 tivity for purposes of—

14 “(A) determining an airport’s compliance
15 with a grant assurance made under this section
16 or any other provision of law; and

17 “(B) the receipt of Federal financial assist-
18 ance for airport development.

19 “(2) COVERED AIRCRAFT DEFINED.—In this
20 subsection, the term ‘covered aircraft’ means an air-
21 craft—

22 “(A) used or intended to be used exclu-
23 sively for recreational purposes; and

1 “(B) constructed or under construction, re-
2 pair, or restoration by a private individual at a
3 general aviation airport.”.

○