

115TH CONGRESS
1ST SESSION

S. 1320

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 SENATE OF THE UNITED STATES

JUNE 8, 2017

Mr. INHOFE (for himself and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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-
6 ars, and Tarmacs Act of 2017” or the “FLIGHT Act of
7 2017”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.

3 **SEC. 2. GENERAL AVIATION AIRPORT ENTITLEMENT RE-**
 4 **FORM.**

5 (a) APPORTIONMENT.—Section 47114(d)(3) of title
 6 49, United States Code, is amended—

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

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

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

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

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

5 “(1) at an airport that is not a primary airport
 6 if the Administrator determines that the project will
 7 increase safety or security at that airport; or

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

12 (d) USE OF APPORTIONED AMOUNTS.—Section
 13 47117(e)(1) of such title is amended by adding at the end
 14 the following:

15 “(D) All amounts subject to apportionment for
 16 a fiscal year that are not apportioned under section
 17 47114(d), for grants to sponsors of general aviation
 18 airports, reliever airports, or nonprimary commercial
 19 service airports.”.

20 **SEC. 3. EXTENDING AVIATION DEVELOPMENT STREAM-**
 21 **LINING.**

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

24 (1) in subsection (a), in the matter preceding
 25 paragraph (1), by inserting “general aviation airport

1 construction or improvement projects,” after “con-
 2 gested airports,”;

3 (2) in subsection (b)—

4 (A) by redesignating paragraph (2) as
 5 paragraph (3); and

6 (B) by inserting after paragraph (1) the
 7 following:

8 “(2) GENERAL AVIATION AIRPORT CONSTRUC-
 9 TION OR IMPROVEMENT PROJECT.—A general avia-
 10 tion airport construction or improvement project
 11 shall be subject to the coordinated and expedited en-
 12 vironmental review process requirements set forth in
 13 this section.”;

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

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

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

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

22 (b) DEFINITIONS.—Section 47175 of such title is
 23 amended—

24 (1) by redesignating paragraphs (1), (2), (3),
 25 (4), and (5) as paragraphs (2), (5), (1), (3), and

1 (4), respectively, and by rearranging such para-
2 graphs so that they appear in numerical order;

3 (2) by redesignating paragraph (7) as para-
4 graph (8); and

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

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

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

19 “(B) any other airport development project
20 that the Secretary designates as facilitating
21 aviation capacity building projects at a general
22 aviation airport.”.

1 **SEC. 4. ESTABLISHMENT OF PUBLIC-PRIVATE PARTNER-**
 2 **SHIP PROGRAM AT GENERAL AVIATION AIR-**
 3 **PORTS.**

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

7 **“§ 48115. General aviation public-private partnership**
 8 **program**

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

13 “(1) general aviation airports; and

14 “(2) privately owned airports used or intended
 15 to be used for public purposes that do not have
 16 scheduled air service.

17 “(b) APPLICATION REQUIRED.—The operator or
 18 sponsor of an airport, or the community in which an air-
 19 port is located, seeking, on behalf of the airport, to partici-
 20 pate in the program established under subsection (a) shall
 21 submit an application to the Secretary in such form, at
 22 such time, and containing such information as the Sec-
 23 retary may require, including—

24 “(1) an assessment of the needs of the airport
 25 for additional or improved hangars, airport busi-
 26 nesses, or other facilities;

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

5 “(3) if the application is submitted by a com-
 6 munity, evidence that the airport supports the appli-
 7 cation.

8 “(c) LIMITATION.—

9 “(1) STATE LIMIT.—Not more than 4 airports
 10 in the same State may be selected to participate in
 11 the program established under subsection (a) in any
 12 fiscal year.

13 “(2) DOLLAR AMOUNT LIMIT.—Not more than
 14 \$500,000 shall be made available for any airport in
 15 any fiscal year under the program established under
 16 subsection (a).

17 “(d) PRIORITIES.—In selecting airports for participa-
 18 tion in the program established under subsection (a), the
 19 Secretary shall give priority to airports at which—

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

22 “(A) will provide a portion of the cost of
 23 the project for which assistance is sought under
 24 the program from local sources;

1 “(B) will employ best business practices in
 2 developing or implementing a public-private
 3 partnership; or

4 “(C) has established, or will establish, a
 5 public-private partnership to build or improve
 6 facilities at the airport; or

7 “(2) the assistance will be used in a timely
 8 fashion.

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

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

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

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

23 “(f) AUTHORITY TO MAKE AGREEMENTS.—The Sec-
 24 retary may enter into agreements with airports and enti-

1 ties entering into partnerships with airports under this
 2 section to provide assistance under this section.

3 “(g) AVAILABILITY OF AMOUNTS FROM AIRPORT
 4 AND AIRWAY TRUST FUND.—

5 “(1) IN GENERAL.—There is authorized to be
 6 appropriated, out of the Airport and Airway Trust
 7 Fund established under section 9502 of the Internal
 8 Revenue Code of 1986, \$5,000,000 for each of the
 9 fiscal years 2018 through 2022 to carry out this sec-
 10 tion. Amounts appropriated pursuant to this para-
 11 graph shall remain available until expended.

12 “(2) AVAILABILITY.—Amounts appropriated
 13 pursuant to paragraph (1)—

14 “(A) shall remain available until expended;
 15 and

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

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
 19 ter 481 of such title is amended by adding at the end the
 20 following:

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

21 (c) EXPENDITURE AUTHORITY FROM AIRPORT AND
 22 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
 23 ternal Revenue Code of 1986 is amended by inserting “or
 24 section 47143 of title 49, United States Code” before the
 25 semicolon at the end.

1 **SEC. 5. DISASTER RELIEF AIRPORTS.**

2 (a) DESIGNATION OF DISASTER RELIEF AIR-
3 PORTS.—

4 (1) IN GENERAL.—Subchapter I of Chapter
5 471 is amended by inserting after section 47131 the
6 following:

7 **“§ 47132. Disaster relief airports**

8 “(a) DESIGNATION.—

9 “(1) IN GENERAL.—The Secretary of Transpor-
10 tation shall designate as a disaster relief airport an
11 airport that—

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

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

20 “(C) is in a region that the Secretary de-
21 termines under subsection (b) is prone to nat-
22 ural disasters;

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

1 “(E) has aircraft maintenance or servicing
2 facilities at the airport able to provide aircraft
3 fueling and light maintenance services; and

4 “(F) has adequate taxiway and ramp space
5 to accommodate single engine or light multi-en-
6 gine aircraft simultaneously for loading and un-
7 loading of supplies.

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

15 “(b) PRONE TO NATURAL DISASTERS.—

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

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

24 “(B) in the case of other types of natural
25 disasters, the President has declared more than

1 5 major disasters in the region under section
 2 401 of the Robert T. Stafford Disaster Relief
 3 and Emergency Assistance Act (42 U.S.C.
 4 5170), according to the most recent map of the
 5 Federal Emergency Management Agency.

6 “(2) NATURAL DISASTER DEFINED.—For the
 7 purposes of this section, the term ‘natural disaster’
 8 includes a hurricane, tornado, severe storm, high
 9 water, wind-driven water, tidal wave, tsunami, earth-
 10 quake, volcanic eruption, landslide, mudslide, snow-
 11 storm, drought, or wildfire.

12 “(c) REQUIREMENTS.—

13 “(1) OPERATION AND MAINTENANCE.—

14 “(A) IN GENERAL.—A disaster relief air-
 15 port and the facilities and fixed-based operators
 16 on or connected with the airport shall be oper-
 17 ated and maintained in a manner the Secretary
 18 consider suitable for disaster relief.

19 “(B) EXCLUSION.—A disaster relief air-
 20 port shall not be considered to be in violation
 21 of subparagraph (A) if a runway is unuseable
 22 because the runway is under scheduled mainte-
 23 nance or is in need of necessary repairs.

24 “(2) COMPLIANCE WITH ASSURANCES ON AIR-
 25 PORT OPERATIONS.—A disaster relief airport shall

1 comply with the provisions of section 47107 without
2 regard whether the airport has received a project
3 grant under this subchapter.

4 “(3) NATURAL DISASTER MANAGEMENT
5 PLAN.—A disaster relief airport shall develop an
6 emergency natural disaster management plan in co-
7 ordination with local emergency response teams and
8 first responders.

9 “(d) CIVIL PENALTY.—A public agency that know-
10 ingly violates this section shall be liable to the United
11 States Government for a civil penalty of not more than
12 \$10,000 for each day of the violation.

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

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

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 471 of such title is amended by inserting after the
22 item relating to section 47131 the following:

“47132. Disaster relief airports.”.

1 **SEC. 6. AIRPORT DEVELOPMENT RELATING TO DISASTER**
2 **RELIEF.**

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

5 “(P) planning, acquiring, or constructing
6 at an airport designated as a disaster relief air-
7 port under section 47145, including—

8 “(i) planning for disaster prepared-
9 ness associated with maintaining airport
10 operations during a natural disaster;

11 “(ii) airport communication equip-
12 ment and fixed emergency generators that
13 are not able to be acquired by programs
14 funded under the Department of Home-
15 land Security; and

16 “(iii) constructing, expanding, and im-
17 proving airfield infrastructure to include
18 aprons and terminal buildings the Sec-
19 retary determines will facilitate disaster re-
20 sponse at the airport.”.

21 **SEC. 7. INCLUSION OF COVERED AIRCRAFT CONSTRUC-**
22 **TION IN DEFINITION OF AERONAUTICAL AC-**
23 **TIVITY FOR PURPOSES OF AIRPORT IM-**
24 **PROVEMENT GRANTS.**

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

1 “(u) CONSTRUCTION OF RECREATIONAL AIR-
2 CRAFT.—

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

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

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

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

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

16 “(B) constructed or under construction, re-
17 pair, or restoration by a private individual at a
18 general aviation airport.”.

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