

117TH CONGRESS
1ST SESSION

H. R. 4042

To provide for funding from the Airport and Airway Trust Fund for all Federal Aviation Administration activities for a certain period in the event of a Government shutdown, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2021

Mr. DEFazio (for himself, Mr. LARSEN of Washington, Mr. FITZPATRICK, and Mr. GIBBS) 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 provide for funding from the Airport and Airway Trust Fund for all Federal Aviation Administration activities for a certain period in the event of a Government shutdown, 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.**

4 This Act may be cited as the “Aviation Funding Sta-
5 bility Act of 2021”.

1 **SEC. 2. FUNDING FOR THE FEDERAL AVIATION ADMINIS-**
2 **TRATION IN THE EVENT OF A LAPSE IN AP-**
3 **PROPRIATION.**

4 (a) IN GENERAL.—If, with respect to the Federal
5 Aviation Administration, an appropriation measure for a
6 fiscal year is not enacted before the beginning of such fis-
7 cal year or a joint resolution making continuing appropria-
8 tions is not in effect, amounts in the Airport and Airway
9 Trust Fund not otherwise appropriated shall be available
10 to the Administrator for continuing programs, projects, or
11 activities (including the costs of direct loans and loan
12 guarantees) that were conducted with amounts made
13 available for the Federal Aviation Administration, includ-
14 ing for the accounts “Federal Aviation Administration—
15 Operations”, “Federal Aviation Administration—Facili-
16 ties and Equipment”, “Federal Aviation Administration—
17 Research, Engineering, and Development”, and “Federal
18 Aviation Administration—Grants-in-Aid for Airports” in
19 the preceding fiscal year—

20 (1) in the corresponding appropriation Act for
21 such preceding fiscal year; or

22 (2) if the corresponding appropriation bill for
23 such preceding fiscal year did not become law, then
24 in a joint resolution making continuing appropria-
25 tions for such preceding fiscal year.

1 (b) RATE FOR OPERATIONS.—Appropriations and
2 funds made available, and authority granted, for a pro-
3 gram, project, or activity for any fiscal year pursuant to
4 this section shall be at a rate for operations not greater
5 than—

6 (1) the rate for operations provided for in the
7 regular appropriation Act providing for such pro-
8 gram, project, or activity for the preceding fiscal
9 year; or

10 (2) in the absence of such an Act, the rate for
11 operations provided for such program, project, or ac-
12 tivity pursuant to a joint resolution making con-
13 tinuing appropriations for such preceding fiscal year.

14 (c) AVAILABILITY.—Appropriations and funds made
15 available, and authority granted, for any fiscal year pursu-
16 ant to this section for a program, project, or activity shall
17 be available for the period beginning with the first day
18 of a lapse in appropriations and ending with the earlier
19 of—

20 (1) the date on which—

21 (A) the applicable regular appropriation
22 bill for such fiscal year becomes law (whether or
23 not such law provides for such program,
24 project, or activity); or

1 (B) a joint resolution making continuing
2 appropriations becomes law; or

3 (2) the date that is 30 days after the first day
4 of a lapse in appropriations.

5 (d) TERMS AND CONDITIONS.—An appropriation or
6 funds made available, or authority granted, for a program,
7 project, or activity for any fiscal year pursuant to this sec-
8 tion shall be subject to the terms and conditions imposed
9 with respect to the appropriation made or funds made
10 available for the preceding fiscal year, or authority grant-
11 ed for such program, project, or activity under applicable
12 law on the first day of the applicable lapse in appropria-
13 tions.

14 (e) END OF FISCAL YEAR.—If this section is in effect
15 at the end of a fiscal year, funding levels shall continue
16 as provided in this section for the next fiscal year.

17 (f) EXPENDITURES AND OBLIGATIONS.—Expendi-
18 tures and obligations made for a program, project, or ac-
19 tivity for any fiscal year pursuant to this section shall be
20 charged to the applicable appropriation, fund, or author-
21 ization whenever a regular appropriation bill or a joint res-
22 olution making continuing appropriations until the end of
23 a fiscal year providing for such program, project, or activ-
24 ity for such period becomes law.

1 (g) EXPENDITURE AUTHORITY.—Section
2 9502(d)(1)(A) of the Internal Revenue Code of 1986 is
3 amended by striking the semicolon at the end and insert-
4 ing “or the Aviation Funding Stability Act of 2021;”.

5 (h) TERMINATION.—This section shall not apply to
6 a program, project, or activity during any portion of a fis-
7 cal year if any other provision of law (other than an au-
8 thorization of appropriations)—

9 (1) makes an appropriation, makes funds avail-
10 able, or grants authority for such program, project,
11 or activity to continue for such period; or

12 (2) specifically provides that no appropriation
13 shall be made, no funds shall be made available, or
14 no authority shall be granted for such program,
15 project, or activity to continue for such period.

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