

Union Calendar No. 484

117TH CONGRESS
2D SESSION

H. R. 4042

[Report No. 117–665, Part I]

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

DECEMBER 23, 2022

Additional sponsors: Mr. LAMB, Mrs. DEMINGS, Mr. YOUNG, Mr. LYNCH, Ms. NORTON, Mr. NEGUSE, Ms. BROWNLEY, Ms. TITUS, Mr. NADLER, Mr. O'HALLERAN, Mr. RODNEY DAVIS of Illinois, Mr. PASCRELL, Mr. KHANNA, Ms. BARRAGÁN, Mr. HUFFMAN, Mr. MORELLE, Mr. BLUMENAUER, Ms. DELBENE, Mr. KILMER, Mr. BURGESS, Mr. PERLMUTTER, Mr. LANGEVIN, Ms. WILD, Mr. COHEN, Mr. CROW, Mr. SCHNEIDER, Mr. KRISHNAMOORTHY, Mr. NORMAN, Mr. AGUILAR, Mr. PALLONE, Mr. LEVIN of California, Mr. BACON, Ms. KUSTER, Mr. KILDEE, Mrs. TORRES of California, Mr. BOST, Mr. GARAMENDI, Mr. SMITH of New Jersey, Miss RICE of New York, Mr. SOTO, Ms. WILLIAMS of Georgia, Mr. GOTTHEIMER, Ms. SCANLON, Mrs. FLETCHER, Miss GONZÁLEZ-COLÓN, Mr. PAYNE, Mr. COSTA, Mr. CONNOLLY, Mr. SWALWELL, Mr. RUPPERSBERGER, Ms. UNDERWOOD, Mr. BROWN of Maryland, Mr. CLEAVER, Ms. SALAZAR, Mr. TIMMONS, Mrs. NAPOLITANO, Mrs. CAROLYN B. MALONEY of New York, Mr. SHERMAN, Mr. BUDD, Mr. GOMEZ, Mr. POSEY, Ms. MATSUI, Ms. GARCIA of Texas, Mr. SEAN PATRICK MALONEY of New York, Ms. ROSS, Mr. GARBARINO, Ms. HERRERA BEUTLER, Ms. PORTER, Mr. RASKIN, Mr. ALLRED, Mr. VAN DREW, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. HARRIS, Ms.

STANSBURY, Mr. FOSTER, Mrs. LURIA, Mr. HUDSON, Mr. CARTER of Georgia, Mr. KINZINGER, Mr. VEASEY, Mr. KUSTOFF, Mr. KIM of New Jersey, Mr. CARSON, Mr. LAMALFA, Mr. FULCHER, and Mr. KATKO

DECEMBER 23, 2022

Reported from the Committee on Transportation and Infrastructure

DECEMBER 23, 2022

Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

6 **SEC. 2. FUNDING FOR THE FEDERAL AVIATION ADMINIS-**
7 **TRATION IN THE EVENT OF A LAPSE IN AP-**
8 **PROPRIATION.**

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

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

3 (2) if the corresponding appropriation bill for
4 such preceding fiscal year did not become law, then
5 in a joint resolution making continuing appropria-
6 tions for such preceding fiscal year.

7 (b) RATE FOR OPERATIONS.—Appropriations and
8 funds made available, and authority granted, for a pro-
9 gram, project, or activity for any fiscal year pursuant to
10 this section shall be at a rate for operations not greater
11 than—

12 (1) the rate for operations provided for in the
13 regular appropriation Act providing for such pro-
14 gram, project, or activity for the preceding fiscal
15 year; or

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

20 (c) AVAILABILITY.—Appropriations and funds made
21 available, and authority granted, for any fiscal year pursu-
22 ant to this section for a program, project, or activity shall
23 be available for the period beginning with the first day
24 of a lapse in appropriations and ending with the earlier
25 of—

1 (1) the date on which—

2 (A) the applicable regular appropriation
3 bill for such fiscal year becomes law (whether or
4 not such law provides for such program,
5 project, or activity); or

6 (B) a joint resolution making continuing
7 appropriations becomes law; or

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

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

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

22 (f) EXPENDITURES AND OBLIGATIONS.—Expendi-
23 tures and obligations made for a program, project, or ac-
24 tivity for any fiscal year pursuant to this section shall be
25 charged to the applicable appropriation, fund, or author-

1 ization whenever a regular appropriation bill or a joint res-
2 olution making continuing appropriations until the end of
3 a fiscal year providing for such program, project, or activ-
4 ity for such period becomes law.

5 (g) EXPENDITURE AUTHORITY.—Section
6 9502(d)(1)(A) of the Internal Revenue Code of 1986 is
7 amended by striking the semicolon at the end and insert-
8 ing “or the Aviation Funding Stability Act of 2021;”.

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

13 (1) makes an appropriation, makes funds avail-
14 able, or grants authority for such program, project,
15 or activity to continue for such period; or

16 (2) specifically provides that no appropriation
17 shall be made, no funds shall be made available, or
18 no authority shall be granted for such program,
19 project, or activity to continue for such period.

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