

Markey - 14

Edward J. Markey

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish an airport infrastructure resilience pilot program.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. _____

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2024 through 2028, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MARKEY (for himself and Mr. SULLIVAN)

Viz:

- 1 At the appropriate place in title VI, insert the fol-
- 2 lowing:
- 3 **SEC. ____ . AIRPORT INFRASTRUCTURE RESILIENCE PILOT**
- 4 **PROGRAM.**
- 5 (a) ESTABLISHMENT.—
- 6 (1) ESTABLISHMENT.—
- 7 (A) IN GENERAL.—Not later than 1 year
- 8 after the date of enactment of this section, the
- 9 Secretary shall establish a pilot program to pro-
- 10 vide competitive grants to eligible airport spon-
- 11 sors for the planning, design, and construction

1 of projects that meet the requirements de-
2 scribed in subparagraph (B).

3 (B) PROJECT REQUIREMENTS DE-
4 SCRIBED.—The requirements described in this
5 subparagraph, with respect to a project, are the
6 following:

7 (i) The project is on airport property
8 or other property owned exclusively by the
9 eligible airport sponsor with good title and
10 without encumbrance, as described on an
11 Airport Layout Plan or included in the air-
12 port land inventory in the case of prop-
13 erties remote from the airport.

14 (ii) The project is for the exclusive
15 benefit and use by the airport.

16 (iii) The project will reduce the vul-
17 nerability of airport infrastructure to any
18 of the following:

19 (I) Long-term risks to the land
20 surface, subsurface, and atmosphere
21 due to changing conditions, such as
22 inundation caused by—

- 23 (aa) sea level rise;
24 (bb) permafrost thaw;
25 (cc) aridification; or

1 (dd) higher air tempera-
2 tures.

3 (II) Weather events and natural
4 disasters, such as severe storms,
5 flooding, high winds, drought, wild-
6 fire, rockslides, mudslides, and other
7 slope instabilities, sinkholes, tsunami,
8 earthquakes, and extreme weather, in-
9 cluding extreme temperature and pre-
10 cipitation.

11 (C) ELIGIBLE AIRPORT SPONSOR.—In this
12 section, the term “eligible airport sponsor”
13 means a sponsor of an airport that is included
14 in the national plan of integrated airport sys-
15 tems described in section 47103 of title 49,
16 United States Code.

17 (D) CLARIFICATION.—Projects funded
18 under the pilot program under this section may
19 be for new projects as well as for making im-
20 provements to existing infrastructure and may
21 include the purchasing of monitoring equipment
22 or monitoring services.

23 (2) CONSULTATION.—In establishing the pilot
24 program under paragraph (1), the Secretary shall—

- 1 (A) engage in a public comment period;
2 and
3 (B) consult with—
4 (i) the Administrator;
5 (ii) the Administrator of the Federal
6 Emergency Management Agency;
7 (iii) The Administrator of the Na-
8 tional Oceanic and Atmospheric Adminis-
9 tration; and
10 (iv) the Administrator of the National
11 Aeronautics and Space Administration.

12 (3) REQUIREMENTS.—In awarding grants to el-
13 igible airport sponsors under the pilot program
14 under this section, the Secretary shall only award a
15 grant for a project that meets each of the following
16 requirements, as determined by the Secretary:

17 (A) The project will reduce airport vulner-
18 ability to changing conditions and extreme
19 weather events.

20 (B) The project meets applicable engineer-
21 ing standards, as defined by the Secretary.

22 (C) The anticipated benefits of the project
23 are supported by the best available scientific re-
24 search and analysis.

1 (D) The project meets other requirements
2 determined appropriate by the Secretary.

3 (4) CONSIDERATIONS.—In awarding grants to
4 eligible airport sponsors under the pilot program
5 under this section, the Secretary shall consider—

6 (A) whether the project includes natural
7 infrastructure, as defined in section 101 of title
8 23, United States Code; and

9 (B) the potential for the project to miti-
10 gate the airport's impact on the environment.

11 (5) APPLICATION.—To be eligible to receive a
12 grant under the pilot program under this section, an
13 eligible airport sponsor shall submit an application
14 to the Secretary at such time, in such form, and
15 containing such information as the Secretary may
16 require. Such information shall include a preliminary
17 description of how the proposed project is projected
18 to benefit and potentially impact both the airport
19 and the surrounding communities with regard to
20 changing conditions, weather events, and natural
21 disasters.

22 (6) REPORTS TO SECRETARY.—An eligible air-
23 port sponsor that is awarded a grant under the pilot
24 program under this section shall submit to the Sec-
25 retary periodic reports on the use of the funds. Such

1 reports shall be submitted at such time, in such
2 form, and containing such information as the Sec-
3 retary may require.

4 (b) DISTRIBUTION TO SMALLER AIRPORTS.—In con-
5 ducting the pilot program under this section, the Secretary
6 shall ensure that not less than 25 percent of the funds
7 made available under subsection (f) are used to award
8 grants to eligible airport sponsors of small hub airports,
9 nonhub airports, airports that are not a primary airport,
10 and reliever airports, as such terms are defined in section
11 47102 of title 49, United States Code.

12 (c) FEDERAL SHARE.—The United States Govern-
13 ment's share of allowable project costs for a project car-
14 ried out with a grant under the pilot program shall be
15 the United States Government's share of allowable project
16 costs specified under section 47109 of title 49, United
17 States Code.

18 (d) REQUIREMENTS.—Projects carried out, in whole
19 or in part, with grants under the pilot program under this
20 section shall be subject to the requirements under section
21 47112 of title 49, United States Code.

22 (e) REPORT TO CONGRESS.—

23 (1) IN GENERAL.—Not later than 6 months
24 after the Secretary first awards a grant under the
25 pilot program under this section, and annually there-

1 after for as long as the Secretary is conducting the
2 pilot program under this section, the Secretary shall
3 submit to the Committee on Commerce, Science, and
4 Transportation and the Committee on Environment
5 and Public Works of the Senate and the Committee
6 on Transportation and Infrastructure of the House
7 of Representatives a report that evaluates the pilot
8 program established under this section. Each such
9 report shall include—

10 (A) a description of each project funded
11 under the pilot program, including the
12 vulnerabilities it addresses;

13 (B) a description of the applications under
14 the pilot program;

15 (C) recommendations to improve the ad-
16 ministration of the pilot program, including
17 whether consultation with additional or fewer
18 agencies to carry out the pilot program is ap-
19 propriate and whether additional appropriation
20 levels are appropriate;

21 (D) a description of the period required to
22 disburse grant funds to eligible airport spon-
23 sors, including the time needed for Federal co-
24 ordination; and

1 (E) other items determined appropriate by
2 the Secretary.

3 (2) PUBLIC AVAILABILITY.—The Secretary
4 shall post each report submitted under paragraph
5 (1) on the public internet website of the Department
6 of Transportation.

7 (f) FUNDING.—There is authorized to be appro-
8 priated to the Secretary \$300,000,000 for each of fiscal
9 years 2024 through 2028 to carry out this section. Such
10 sums shall remain available until expended.