

118TH CONGRESS  
1ST SESSION

# H. R. 3896

To establish an airport infrastructure resilience pilot program.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2023

Mr. COHEN (for himself and Mr. DESAULNIER) introduced the following bill;  
which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To establish an airport infrastructure resilience pilot  
program.

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 “Airport Infrastructure  
5 Resilience Act of 2023”.

6 **SEC. 2. AIRPORT INFRASTRUCTURE RESILIENCE PILOT**  
7 **PROGRAM.**

8 (a) ESTABLISHMENT.—

9 (1) ESTABLISHMENT.—

10 (A) IN GENERAL.—Not later than 1 year  
11 after the date of enactment of this section, the

1 Secretary shall establish a pilot program to pro-  
2 vide competitive grants to sponsors of airports  
3 to incentivize the planning and design and con-  
4 struction of projects that make improvements to  
5 infrastructure that is subject to, or that faces  
6 increased long-term future risks with respect to,  
7 the following:

8 (i) Changing conditions, such as sea  
9 level rise or permafrost thaw.

10 (ii) Weather events and natural disas-  
11 ters, such as severe storms, flooding,  
12 drought, levee and dam failures, wildfire,  
13 rockslides, mudslides, sea level rise, perma-  
14 frost thaw, extreme weather, including ex-  
15 treme temperature, and earthquakes.

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

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

24 (A) engage in a public comment period;  
25 and

1 (B) consult with—

2 (i) the Administrator of the Federal  
3 Aviation Administration;

4 (ii) the Administrator of the Federal  
5 Emergency Management Agency;

6 (iii) the Administrator of the National  
7 Oceanic Atmospheric Administration; and

8 (iv) the Administrator of the National  
9 Aeronautics and Space Administration.

10 (3) CONSIDERATIONS.—In awarding grants to  
11 sponsors under the pilot program under this section,  
12 the Secretary shall consider the following with re-  
13 spect to projects funded under the grant:

14 (A) Whether the project is natural infra-  
15 structure or nature-based.

16 (B) Whether the project is based on the  
17 best available science and engineering stand-  
18 ards.

19 (C) Whether the project will mitigate the  
20 airport's impact on the environment.

21 (D) Other items determined appropriate by  
22 the Secretary.

23 (4) ELIGIBILITY.—To be eligible to receive a  
24 grant under the pilot program under this section, a  
25 sponsor of an airport shall submit an application to

1 sponsor of an airport shall submit an application to  
2 the Secretary at such time, in such form, and con-  
3 taining such information as the Secretary may re-  
4 quire. Such information shall include a description  
5 of how the proposed project is projected to benefit  
6 and potentially impact both the airport and the sur-  
7 rounding communities regarding changing condi-  
8 tions, weather events, and natural disasters.

9 (5) REPORTS TO SECRETARY.—A sponsor of an  
10 airport that is awarded a grant under the pilot pro-  
11 gram under this section shall submit to the Sec-  
12 retary periodic reports on the use of the funds. Such  
13 reports shall be submitted at such time, in such  
14 form, and containing such information as the Sec-  
15 retary may require.

16 (b) DISTRIBUTION FOR REGIONAL AIRPORTS.—In  
17 conducting the pilot program under this section, the Sec-  
18 retary shall ensure that not less than 15 percent of the  
19 funds made available under subsection (e) is used to  
20 award grants to sponsors of regional airports.

21 (c) FEDERAL SHARE.—The United States Govern-  
22 ment's share of allowable project costs for a project car-  
23 ried out with a grant under the pilot program shall be  
24 the United States Government's share of allowable project

1 costs specified under section 47109 of title 49, United  
2 States Code.

3 (d) REQUIREMENTS.—The construction work for a  
4 project funded with grant under the pilot program shall  
5 be subject to the requirements under section 47112 of title  
6 49, United States Code.

7 (e) REPORT TO CONGRESS.—

8 (1) IN GENERAL.—Not later than 6 months  
9 after the Secretary first awards a grant under the  
10 pilot program under this section, and annually there-  
11 after for as long as the Secretary is conducting the  
12 pilot program under this section, the Secretary shall  
13 submit to the Committee on Commerce, Science, and  
14 Transportation and the Committee on Environment  
15 and Public Works of the Senate and the Committee  
16 on Transportation and Infrastructure of the House  
17 of Representatives a report that evaluates the pilot  
18 program established under this section. Each such  
19 report shall include—

20 (A) a description of each project funded  
21 under the program, including the changing con-  
22 dition or weather event or natural disasters the  
23 project is addressing;

24 (B) a description of the applications under  
25 the program;

1 (C) recommendations to improve the ad-  
2 ministration of the program, including whether  
3 assistance from additional or fewer agencies to  
4 carry out the program is appropriate;

5 (D) a description of the period required to  
6 disburse grant funds to sponsors based on ap-  
7 plicable Federal coordination requirements;

8 (E) a description of the facilities that re-  
9 peatedly require repair or reconstruction due to  
10 weather events and natural disasters (as de-  
11 scribed in subsection (a)); and

12 (F) other items determined appropriate by  
13 the Secretary.

14 (2) PUBLIC AVAILABILITY.—The Secretary  
15 shall post each report submitted under paragraph  
16 (1) on the public internet website of the Department  
17 of Transportation.

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

22 (g) DEFINITIONS.—In this section:

23 (1) AIRPORT.—The term “airport” has the  
24 meaning given that term in section 40102 of title  
25 49, United States Code.

1           (2) REGIONAL AIRPORT.—The term “regional  
2 airport” means a small hub airport, a nonhub air-  
3 port, a nonprimary airport, and a reliever airport (as  
4 such terms are defined in section 47102 of title 49,  
5 United States Code).

6           (3) SECRETARY.—The term “Secretary” means  
7 the Secretary of Transportation.

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