

117TH CONGRESS
1ST SESSION

H. R. 4161

To amend title 49, United States Code, to allow additional funds to be provided under the airport improvement program for certain noise mitigation projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2021

Mr. SMITH of Washington (for himself, Ms. NORTON, Mrs. TORRES of California, Ms. CLARK of Massachusetts, Ms. NEWMAN, Ms. SPEIER, Mr. FITZPATRICK, Mr. RASKIN, Mr. BEYER, Mrs. STEEL, Ms. MENG, and Mr. SUOZZI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to allow additional funds to be provided under the airport improvement program for certain noise mitigation projects, 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 “Noise Mitigation Re-
5 pair and Replacement Program Act”.

1 **SEC. 2. NOISE MITIGATION PROJECTS.**

2 (a) GOVERNMENT SHARE.—Section 47109 of title
3 49, United States Code, is amended by adding at the end
4 the following:

5 “(g) SPECIAL RULE FOR NOISE MITIGATION
6 PROJECTS.—With respect to a project to carry out noise
7 mitigation that is granted a waiver under section
8 47110(j), the allowable project cost for such project shall
9 be calculated without consideration of any costs that were
10 previously paid by the Government.”.

11 (b) NOISE MITIGATION PROJECTS.—Section 47110
12 of title 49, United States Code, is amended by adding at
13 the end the following:

14 “(j) SPECIAL RULE FOR NOISE MITIGATION
15 PROJECTS.—

16 “(1) IN GENERAL.—The Secretary shall waive
17 the requirement of subsection (b)(4) for a project to
18 carry out noise mitigation for a building or other
19 structure that has previously received Federal assist-
20 ance under this subchapter for noise mitigation if—

21 “(A) the Secretary determines that the ad-
22 ditional assistance is justified due to—

23 “(i) increased aircraft noise that
24 would have afforded different levels of
25 mitigation, even if the property owner had

1 waived all damages and conveyed a full
2 and unrestricted easement; or

3 “(ii) the building or other structure
4 containing soundproofing installation,
5 structure, or other type of sound mitiga-
6 tion equipment product or benefit pre-
7 viously installed under a noise mitigation
8 program under this subchapter that is de-
9 termined to be eligible pursuant to para-
10 graph (2); and

11 “(B) the building or other structure—

12 “(i) falls within the Day Night Level
13 (DNL) 65 standard according to the most
14 recent noise exposure map, as such term is
15 defined in section 150.7 of title 14, Code
16 of Federal Regulations; or

17 “(ii) fell within such standard at the
18 time the initial noise mitigation was car-
19 ried out and a building inspector has de-
20 termined that—

21 “(I) such mitigation caused phys-
22 ical damage the building or other
23 structure; or

24 “(II) the materials used for such
25 mitigation were of low quality and

1 have deteriorated, broken, or other-
2 wise no longer function as intended.

3 “(2) ELIGIBILITY DETERMINATION.—To be eli-
4 gible for waiver under this subsection for a project,
5 an applicant shall—

6 “(A) exhaust any amounts available
7 through warranties on the applicable building
8 or structure for the proposed noise mitigation
9 activities; and

10 “(B) demonstrate that a State-certified
11 building inspector conducted an inspection of
12 the building or other structure and determined
13 that—

14 “(i) the noise mitigation for which
15 Federal assistance was previously provided
16 is degraded or ineffective, or the manner of
17 installation of such mitigation has caused
18 damage to the building or other structure;
19 and

20 “(ii) the condition of noise mitigation
21 improvement described in subparagraph
22 (A) is not attributed to actions taken by
23 an owner or occupant of the building or
24 other structure.”.

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