

114TH CONGRESS
2D SESSION

H. R. 5563

To amend title 49, United States Code, to provide for increased local funding of airport development projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2016

Mr. JOLLY 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 amend title 49, United States Code, to provide for increased local funding of airport development 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 “Restoring Local Con-
5 trol of Airports Act of 2016”.

6 **SEC. 2. PASSENGER FACILITY CHARGES.**

7 (a) GENERAL AUTHORITY.—Section 40117(b) of title
8 49, United States Code, is amended—

1 (1) in paragraph (1) by striking “\$1, \$2, or
2 \$3” and inserting “any amount”;

3 (2) by striking paragraph (4);

4 (3) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (4), (5), and (6), respectively;

6 (4) in paragraph (5) (as so redesignated)—

7 (A) by striking “paragraphs (1) and (4)”
8 and inserting “paragraph (1)”; and

9 (B) by striking “paragraph (1) or (4)” and
10 inserting “paragraph (1)”; and

11 (5) in paragraph (6)(A) (as so redesignated)—

12 (A) by striking “paragraphs (1), (4), and
13 (6)” and inserting “paragraphs (1) and (5)”;

14 and

15 (B) by striking “paragraph (1) or (4)” and
16 inserting “paragraph (1)”.

17 (b) DETERMINATION OF REASONABLENESS OF PAS-
18 Senger Facility Charge.—Section 40117 of title 49,
19 United States Code, is amended by adding at the end the
20 following:

21 “(n) DETERMINATION OF REASONABLENESS OF PAS-
22 Senger Facility Charge.—

23 “(1) IN GENERAL.—The Secretary shall issue a
24 determination as to whether a passenger facility
25 charge is reasonable, if a written complaint for such

1 determination is filed with the Secretary by an af-
2 fected passenger not later than 120 days after the
3 charge is paid by the passenger.

4 “(2) SECRETARY’S DETERMINATION.—In deter-
5 mining under paragraph (1) whether a passenger fa-
6 cility charge is reasonable, the Secretary may only
7 determine whether the charge is reasonable pursuant
8 to paragraph (4).

9 “(3) PROCEDURAL REGULATIONS.—Not later
10 than 360 days after the date of enactment of this
11 subsection, the Secretary shall publish in the Fed-
12 eral Register final regulations, policy statements, or
13 guidelines establishing the procedures for acting
14 upon written complaints filed under paragraph (1).

15 “(4) DETERMINATION OF REASONABLENESS.—
16 In determining under paragraph (1) whether a pas-
17 senger facility charge is reasonable, the Secretary
18 shall determine if the passenger facility charge is—

19 “(A) excessive in relation to the benefits
20 conferred; or

21 “(B) used for a purpose other than the
22 purpose for which the charge was originally au-
23 thorized.

1 “(5) DECISIONS BY SECRETARY.—The final
2 regulations, policy statements, or guidelines required
3 under paragraph (3) shall provide for the following:

4 “(A) Directions regarding an appropriate
5 refund or credit of a passenger facility charge
6 to a passenger who has filed with the Secretary
7 a written complaint relating to a passenger fa-
8 cility charge.

9 “(B) Not later than 270 days after a com-
10 plaint relating to a passenger facility charge is
11 filed with the Secretary, the Secretary shall
12 issue a written determination as to whether the
13 passenger facility charge is reasonable.

14 “(C) Not later than 90 days after a com-
15 plaint relating to a passenger facility charge is
16 filed with the Secretary, the Secretary shall dis-
17 miss the complaint if no significant dispute ex-
18 ists or shall assign the matter to an administra-
19 tive law judge. Thereafter, the matter shall be
20 handled in accordance with part 302 of title 14,
21 Code of Federal Regulations, or as modified by
22 the Secretary, to ensure an orderly disposition
23 of the matter within the 270-day period and
24 any specifically applicable provisions of this
25 subsection.

1 “(D) The administrative law judge shall
2 issue a recommended decision within 90 days
3 after the complaint is assigned.

4 “(E) If the Secretary, upon the expiration
5 of the 270-day period, has not issued a final
6 order, the decision of the administrative law
7 judge shall be deemed to be the final order of
8 the Secretary.”.

9 **SEC. 3. AIRPORT IMPROVEMENT PROGRAM.**

10 (a) FUNDING.—Section 48103(a) of title 49, United
11 States Code, is amended by striking “\$3,350,000,000”
12 and all that follows before the period at the end and in-
13 serting “\$2,950,000,000 for each of fiscal years 2016
14 through 2021”.

15 (b) APPORTIONMENTS.—Section 47114 of title 49,
16 United States Code, is amended—

17 (1) by striking “\$3,200,000,000” each place it
18 appears and inserting “\$2,950,000,000”; and

19 (2) in subsection (f)—

20 (A) in paragraph (1) by striking “para-
21 graph (3)” and inserting “paragraph (4)”;

22 (B) by redesignating paragraphs (2) and
23 (3) as paragraphs (3) and (4), respectively; and

24 (C) by inserting after paragraph (1) the
25 following:

1 “(2) IN GENERAL.—Subject to paragraph (4),
2 and in lieu of the reduction under paragraph (1), an
3 amount that would be apportioned under this section
4 (other than amounts apportioned under subsection
5 (c)(2)) in a fiscal year to the sponsor of an airport
6 having at least 1.0 percent of the total number of
7 boardings each year in the United States and for
8 which a charge of more than \$4.50 is imposed in the
9 fiscal year under section 40117 shall be reduced by
10 an amount equal to—

11 “(A) except as provided in subparagraph
12 (B), 100 percent of the projected revenues from
13 the charge in the fiscal year but not by more
14 than 100 percent of the amount that otherwise
15 would be apportioned under this section; or

16 “(B) with respect to an airport in Hawaii,
17 100 percent of the projected revenues from the
18 charge in the fiscal year but not by more than
19 100 percent of the excess of—

20 “(i) the amount that otherwise would
21 be apportioned under this section; over

22 “(ii) the amount equal to the amount
23 specified in clause (i) multiplied by the
24 percentage of the total passenger board-

1 ings at the applicable airport that are com-
2 prised of interisland passengers.”;

3 (D) in paragraph (3) (as so redesignated)
4 by striking “paragraph (1)” and inserting
5 “paragraph (1) or (2)”; and

6 (E) in paragraph (4) (as so redesign-
7 ated)—

8 (i) in subparagraph (A)—

9 (I) by striking “.25 percent” and
10 inserting “1.0 percent”; and

11 (II) by striking “paragraph (1)”
12 and inserting “paragraph (2)”; and

13 (ii) in subparagraph (B) by striking
14 “fiscal year 2004” and inserting “fiscal
15 year 2017 and each fiscal year thereafter”.

16 (c) USE OF APPORTIONED AMOUNTS.—Section
17 47117(e)(1)(C) of title 49, United States Code, is amend-
18 ed by striking “\$3,200,000,000” and inserting
19 “\$2,950,000,000”.

20 **SEC. 4. REDUCTION IN AIRLINE TICKET TAX.**

21 (a) IN GENERAL.—Section 4261(a) of the Internal
22 Revenue Code of 1986 is amended by striking “7.5 per-
23 cent” and inserting “7.0 percent”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 this section shall apply to transportation beginning after

- 1 September 30, 2016, but not for amounts paid on or be-
- 2 fore such date.

○