

116TH CONGRESS
2D SESSION

S. 3958

To amend title 49, United States Code, to permit the use of incentive payments to expedite certain federally financed airport development projects.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2020

Mr. YOUNG (for himself, Ms. SINEMA, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to permit the use of incentive payments to expedite certain federally financed airport development projects.

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 “Expedited Delivery of
5 Airport Infrastructure Act of 2020”.

6 **SEC. 2. ALLOWABLE COST STANDARDS FOR AIRPORT DE-**
7 **VELOPMENT PROJECTS.**

8 (a) IN GENERAL.—Section 47110(b)(1) of title 49,
9 United States Code, is amended—

1 (1) by striking “(1) if the cost necessarily” and
2 inserting “(1)(A) if the cost necessarily”;

3 (2) by striking the semicolon at the end and in-
4 serting “; or”; and

5 (3) by adding at the end the following:

6 “(B) if the cost is an incentive payment in-
7 curred in carrying out the project described in sub-
8 paragraph (A) that is to be provided to a contractor
9 upon early completion of a project, if—

10 “(i) such payment does not exceed the less-
11 er of 5 percent of the initial construction con-
12 tract amount or \$1,000,000;

13 “(ii) the level of contractor’s control of, or
14 access to, the worksite necessary to shorten the
15 duration of the project does not negatively im-
16 pact the operation of the airport;

17 “(iii) the contract specifies application of
18 the incentive structure in the event of unfore-
19 seeable, non-weather delays beyond the control
20 of the contractor;

21 “(iv) nothing in any agreement with the
22 contractor prevents the airport operator from
23 retaining responsibility for the safety, efficiency,
24 and capacity of the airport during the execution
25 of the grant agreement; and

1 “(v) the Secretary determines that the use
2 of an incentive payment is likely to increase air-
3 port capacity or efficiency as a result of short-
4 ening the project’s duration;”.

5 (b) TECHNICAL CORRECTION.—Section 47110(e)(7)
6 of title 49, United States Code, is amended by striking
7 “(7) PARTNERSHIP PROGRAM AIRPORTS.—” and insert-
8 ing “(7) PARTNERSHIP PROGRAM AIRPORTS.—”.

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