

Calendar No. 637

116TH CONGRESS
2D SESSION**S. 3958****[Report No. 116–331]**

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

DECEMBER 15, 2020

Reported by Mr. WICKER, with an amendment

[Insert the part printed in italic]

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”.

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

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

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

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

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

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

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

17 “(ii) the level of contractor’s control of, or
18 access to, the worksite necessary to shorten the
19 duration of the project does not negatively im-
20 pact the operation of the airport;

21 “(iii) the contract specifies application of
22 the incentive structure in the event of unfore-
23 seeable, non-weather delays beyond the control
24 of the contractor;

25 “(iv) nothing in any agreement with the
26 contractor prevents the airport operator from

1 retaining responsibility for the safety, efficiency,
2 and capacity of the airport during the execution
3 of the grant agreement; and

4 “(v) the Secretary determines that the use
5 of an incentive payment is likely to increase air-
6 port capacity or efficiency *or result in cost sav-*
7 *ings* as a result of shortening the project’s du-
8 ration;”.

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

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