

107TH CONGRESS
2D SESSION

H. R. 1979

AN ACT

To amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers.

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To amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Small Airport Safety,
3 Security, and Air Service Improvement Act of 2002”.

4 **SEC. 2. INCLUSION OF TOWERS IN AIRPORT DEVELOP-**
5 **MENT.**

6 Section 47102(3) of title 49, United States Code, is
7 amended by adding at the end the following:

8 “(M) constructing an air traffic control
9 tower or acquiring and installing air traffic con-
10 trol, communications, and related equipment at
11 an air traffic control tower under the terms
12 specified in section 47124(b)(4).”.

13 **SEC. 3. CONSTRUCTION OF AIR TRAFFIC CONTROL TOW-**
14 **ERS.**

15 (a) IN GENERAL.—Section 47124(b)(4) of title 49,
16 United States Code, is amended to read as follows:

17 “(4) CONSTRUCTION OF AIR TRAFFIC CONTROL
18 TOWERS.—

19 “(A) GRANTS.—The Secretary may pro-
20 vide grants to a sponsor of—

21 “(i) a primary airport—

22 “(I) from amounts made avail-
23 able under sections 47114(c)(1) and
24 47114(c)(2) for the construction or
25 improvement of a nonapproach control
26 tower, as defined by the Secretary,

1 and for the acquisition and installa-
2 tion of air traffic control, communica-
3 tions, and related equipment to be
4 used in that tower;

5 “(II) from amounts made avail-
6 able under sections 47114(c)(1) and
7 47114(c)(2) for reimbursement for
8 the cost of construction or improve-
9 ment of a nonapproach control tower,
10 as defined by the Secretary, incurred
11 after October 1, 1996, if the sponsor
12 complied with the requirements of sec-
13 tions 47107(e), 47112(b), and
14 47112(c) in constructing or improving
15 that tower; and

16 “(III) from amounts made avail-
17 able under sections 47114(c)(1) and
18 47114(c)(2) for reimbursement for
19 the cost of acquiring and installing in
20 that tower air traffic control, commu-
21 nications, and related equipment that
22 was acquired or installed after Octo-
23 ber 1, 1996; and

24 “(ii) a public-use airport that is not a
25 primary airport—

1 “(I) from amounts made avail-
2 able under sections 47114(c)(2) and
3 47114(d) for the construction or im-
4 provement of a nonapproach control
5 tower, as defined by the Secretary,
6 and for the acquisition and installa-
7 tion of air traffic control, communica-
8 tions, and related equipment to be
9 used in that tower;

10 “(II) from amounts made avail-
11 able under sections 47114(c)(2) and
12 47114(d)(3)(A) for reimbursement for
13 the cost of construction or improve-
14 ment of a nonapproach control tower,
15 as defined by the Secretary, incurred
16 after October 1, 1996, if the sponsor
17 complied with the requirements of sec-
18 tions 47107(e), 47112(b), and
19 47112(c) in constructing or improving
20 that tower; and

21 “(III) from amounts made avail-
22 able under sections 47114(c)(2) and
23 47114(d)(3)(A) for reimbursement for
24 the cost of acquiring and installing in
25 that tower air traffic control, commu-

1 communications, and related equipment that
2 was acquired or installed after Octo-
3 ber 1, 1996.

4 “(B) ELIGIBILITY.—An airport sponsor
5 shall be eligible for a grant under this para-
6 graph only if—

7 “(i)(I) the sponsor is a participant in
8 the Federal Aviation Administration con-
9 tract tower program established under sub-
10 section (a) and continued under paragraph
11 (1) or the pilot program established under
12 paragraph (3); or

13 “(II) construction of a nonapproach
14 control tower would qualify the sponsor to
15 be eligible to participate in such program;

16 “(ii) the sponsor certifies that it will
17 pay not less than 10 percent of the cost of
18 the activities for which the sponsor is re-
19 ceiving assistance under this paragraph;

20 “(iii) the Secretary affirmatively ac-
21 cepts the proposed contract tower into a
22 contract tower program under this section
23 and certifies that the Secretary will seek
24 future appropriations to pay the Federal
25 Aviation Administration’s cost of the con-

1 tract to operate the tower to be con-
2 structed under this paragraph;

3 “ (iv) the sponsor certifies that it will
4 pay its share of the cost of the contract to
5 operate the tower to be constructed under
6 this paragraph; and

7 “ (v) in the case of a tower to be con-
8 structed under this paragraph from
9 amounts made available under section
10 47114(d)(2) or 47114(d)(3)(B), the Sec-
11 retary certifies that—

12 “ (I) the Federal Aviation Admin-
13 istration has consulted the State with-
14 in the borders of which the tower is to
15 be constructed and the State supports
16 the construction of the tower as part
17 of its State airport capital plan; and

18 “ (II) the selection of the tower
19 for funding is based on objective cri-
20 teria, giving no weight to any congres-
21 sional committee report, joint explana-
22 tory statement of a conference com-
23 mittee, or statutory designation.

24 “ (C) LIMITATION ON FEDERAL SHARE.—

25 The Federal share of the cost of construction of

1 a nonapproach control tower under this para-
2 graph may not exceed \$1,100,000.”.

3 (b) CONFORMING AMENDMENTS.—Section 47124(b)
4 of such title is amended—

5 (1) in paragraph (3)(A) by striking “Level I air
6 traffic control towers, as defined by the Secretary,”
7 and inserting “nonapproach control towers, as de-
8 fined by the Secretary,”; and

9 (2) in paragraph (3)(E) by striking “Subject to
10 paragraph (4)(D), of” and inserting “Of”.

11 (c) SAVINGS CLAUSE.—Notwithstanding the amend-
12 ments made by this section, the 2 towers for which assist-
13 ance is being provided on the day before the date of enact-
14 ment of this Act under section 47124(b)(4) of title 49,
15 United States Code, as in effect on such day, may con-
16 tinue to be provided such assistance under the terms of
17 such section.

18 **SEC. 4. NONAPPROACH CONTROL TOWERS.**

19 (a) IN GENERAL.—The Administrator of the Federal
20 Aviation Administration may enter into a lease agreement
21 or contract agreement with a private entity to provide for
22 construction and operation of a nonapproach control tower
23 as defined by the Secretary of Transportation.

24 (b) TERMS AND CONDITIONS.—An agreement en-
25 tered into under this section—

1 (1) shall be negotiated under such procedures
2 as the Administrator considers necessary to ensure
3 the integrity of the selection process, the safety of
4 air travel, and to protect the interests of the United
5 States;

6 (2) may provide a lease option to the United
7 States, to be exercised at the discretion of the Ad-
8 ministrator, to occupy any general-purpose space in
9 a facility covered by the agreement;

10 (3) shall not require, unless specifically deter-
11 mined otherwise by the Administrator, Federal own-
12 ership of a facility covered under the agreement
13 after the expiration of the agreement;

14 (4) shall describe the consideration, duties, and
15 responsibilities for which the United States and the
16 private entity are responsible;

17 (5) shall provide that the United States will not
18 be liable for any action, debt, or liability of any enti-
19 ty created by the agreement;

20 (6) shall provide that the private entity may not
21 execute any instrument or document creating or evi-
22 dencing any indebtedness with respect to a facility
23 covered by the agreement unless such instrument or
24 document specifically disclaims any liability of the

1 United States under the instrument or document;
2 and

3 (7) shall include such other terms and condi-
4 tions as the Administrator considers appropriate.

5 **SEC. 5. USE OF APPORTIONMENTS TO PAY NON-FEDERAL**
6 **SHARE OF OPERATION COSTS.**

7 (a) STUDY.—The Secretary of Transportation shall
8 conduct a study of the feasibility, costs, and benefits of
9 allowing the sponsor of an airport to use not to exceed
10 10 percent of amounts apportioned to the sponsor under
11 section 47114 to pay the non-Federal share of the cost
12 of operation of an air traffic control tower under section
13 47124(b) of title 49, United States Code.

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Secretary shall transmit to
16 Congress a report on the results of the study.

Passed the House of Representatives June 20, 2002.

Attest:

Clerk.